

Basic Music Rights

At this point, you might have the question; is there a global music law? The answer is no; there is no worldwide music law. The term 'music law' does not really exist. So music law is a combination of copyright law for all creations and treaties between all the countries in the world with their copyright laws and contract law. That's also very different in every country. So that all brought together is what we call 'music law.' So how can we discuss music law while maybe you're from Japan and I'm from The Netherlands, and the other guy's from France or England? Well, the thing is, the music contracts in the music industry are quite the same. Many are copied from the United States because that's the most significant entertainment industry globally. So we all copy the same clauses about the royalties and the exclusivity, and therefore those contracts are similar. So when we discuss music law, a Canadian lawyer will understand the term royalty, as does a French lawyer or an English lawyer. So that's very easy. We all work with the same definitions. Also, the digital platforms work on a global level. So, of course, you know, YouTube, Spotify, Apple Music are all the same digital platforms worldwide. And of course, as you will understand, every artist and global label wants their music out there worldwide. So, therefore, all the rights in agreements are handled on a worldwide level. We will talk in the different subjects about music law, but we are not referring to your local law. So this is not legal advice about your country. Please remember this. We give you the general terms and definitions of the music industry, which will help you understand the music business. So please understand that if you have a contract, you should go to a local lawyer. Of course, you can always chat with us for help.

In your studio

So let's look at what you are doing in your studio. Maybe you are sampling a piece of music from somebody else's track, or you are looping a bass line, or you are taking a bit of vocal into your production. So what does this mean, legally? If you're working in your studio, you are doing many creative things simultaneously. So you are loading a sample. You are turning knobs. You are mixing. You're producing. You're maybe even singing. Or you hired a vocalist, but legally speaking, we have to take all those functions and see them separately. So you have a composer, and you have a producer, you have a vocalist, you have an artist. Every part has different rights. This is, we think, what you need to know when you want to understand the music industry because you have separate agreements with various parties; an artist with a label and a composer with a publisher. That's all very, very different from each other.

The Four Key Players

In actual language, we speak of a DJ/Producer, while in reality or the legal world, the DJ/Producer mostly plays four different roles.

1. Composer
2. Recording artist
3. The producer
4. The performing artist

Composer

So you, as a composer you create music; electronic music could also mean playing samples or using loops, or using whatever kind of material you can find in your studio. The point is, you create music original music out of nothing. So, what happens when you compose a piece of music? Well, first of all, that product is protected under the law so that nobody can steal it from

ROBIN NAP

you. Also, you can make money, of course, from your song as that song is played on the radio, in clubs, during festivals, or on television. So what you need to do is become a member of a copyright society. When you are a member, they collect money for you, and you will be paid royalties by such a society. So that's very important if you are a composer. So take some time to find out what local copyright society is there in your country.

The Recording Artist

The second key player is the recording artist. So what is a recording artist? Well, it's someone who plays the instruments that are being recorded in the studio. It is as simple as that. So first, we have the composer who came up with the idea of the song, and then we have the recording artist who plays the instruments. So two different rights. The person who records the audio is the legal owner of the piece.

The Producer

A producer is significant, especially in electronic music. He mixes other artists' records or works for labels to improve certain tracks. But the law does not know the producer as such. You are either a composer or an artist, or you are creating music, or you are playing and recording music. But producing like mixing is not a relevant part of the copyright law. So what does a producer do? They decide how the instruments are being played and recorded in the studio. So how they sound. That is very important.

The Performing Artist

The fourth key player is the performing artist, who could also be a DJ performing live. As soon as the performance starts, that performance is protected under the law. So nobody can tape the performance or the artists performing and do something with this in a commercial way, putting it out on YouTube or Spotify or whatever. For this key player, the DJ or the artist performing live, it's legally not very complicated because the artist is performing on the stage, and the only you need is a booking agreement with the venue holder of that stage. So that's everything that is relevant in a legal sense. But the question you might have is, how is a DJ allowed to play other people's tracks on stage? Do they have to pay for those tracks first? How does this work? Well, this is quite simple.

The venue holder where the DJ or artist plays pays for all the compositions and recordings via a collecting society. So as a DJ or artist performing on stage, you don't need to pay anything. But the venue holder gets a bill and has to pay for the rights of all the music that the DJ or artist plays. But how do we know what songs are played during the night? In the old days, the DJ or artist had to list all the tracks he played. You could imagine that the DJ or artist especially filled in their own tracks that were played. However, they played tracks from huge other artists. Nowadays, and we hope this is coming soon to your country as well, we have something called MRT. Music Recognition Technology. So in the DJ booth, there's a small piece of software that listens and notes all the songs being played. Almost like Shazam. In this way, all the rights holders will get paid in real-time when their work is being played. So our advice is to play as much of your own music as possible.

The Ghost Producer

The ghost producer is working secretly for a big-name artist or DJ to bring this person the best music out of the studio but doesn't put their name on it. So the DJ or artist name is credited for the track, but it's made by someone else. The ghost producer has no public referral to the track. So they are working in secrecy, and the track is being put out on the market under the name of the artist or DJ. A full ghost would be the ghost producer that is also not mentioned as a composer or recording artist and has no copyrights or neighboring rights. Most ghost productions can be bought for a flat fee/buy-out fee. Here are some interesting reads about ghost producers.

ROBIN NAP

<https://www.bengomori.com/ghostwriting-mixmag>

<https://www.vice.com/en/article/3dyx73/dance-musics-dirty-little-secret-isnt-that-big-of-a-deal>

Collaborations

Important to know that when you collaborate with someone, you have different rights to deal with. So before making a song, think about if you want to do everything yourself or if you want to collaborate with someone. If you collaborate with other people, think about how you will deal with them. Are you going to pay for their work, or do you split the royalties? You need to sign a contract with them so everyone knows what they can expect. But it is fair to give everyone in the process their earnings. We advise discussing this before or immediately after you are done with your recording session together. You don't want to discuss this when a label gets involved and the money is shown. You also don't want to break friendships because of this, so do yourself a favor and start discussing these kinds of things. If you work together for the whole process, we advise splitting the royalties evenly. So for two people, 50/50 for three, 33.3/33.3/33.3, and so on.

Master Owner

When the label pays for all the studio costs and pays out for all expenses, the title is the master owner of the products made. Being the master owner is very important, especially in the long run. So, I mean, it's your baby, this track, so you can decide what should be done with this track. Who gets a license? Where do you want it released? Or what other labels in other countries should release your track. This is all decided by the master owner. If you paid for everything by yourself, you are the master owner.

Royalties

As a recording artist, you have the property and royalties of your recording. But what can you do with this? This is an excellent position. Since you are the recording owner, you can decide everything yourself. So you can make a deal with a label, and they need to get your approval to release your work. In this case, they release your work, collect all of its money, and then pay the royalties to you.