



MINI GUIDE TO PUBLISHING

Alright, it's time for the big one friends. I don't wanna psych you out - but there is quite a lot to cover with this topic. I'm going to do my very best to convey this information as clearly and concisely as I can manage. As always I need to disclaim that this is just an overview of a layered and complex topic, but I will link resources for you to continue your research.

You ready?

Cool...

First let's start off with a little **index** of relevant terms to help us along the way.

PRO - Performing Rights Organization

DSP - Digital Service Provider (Spotify, Pandora etc)

MRO - Mechanical Rights Organisation

Royalty - "a payment made by one party to another that owns a particular asset, for the right to ongoing use of that asset."

WHAT IS MUSIC PUBLISHING?

"Music Publishing is the business of promotion and monetization of musical composition". *

Music has been published for as long as music has been written down and shared. The world has changed a lot since the first music publishers set up shop. These days anyone with access to the internet can listen to just about any piece of music, anytime, anywhere.

This has made the concept of 'publishing' much more complex than just selling songbooks or stocking units of CDs or records. Streaming has made publishing your music correctly more important than ever.



WHAT IS A MUSIC PUBLISHER? WHAT DO THEY DO?

"Publishers are responsible for representing composers, songwriters & lyricists - the authors of the musical works - making sure they get compensated for the commercial use of their intellectual property." *

The job of a music publisher is to put the interests of the composers first. To make sure that wherever and however their compositions are used, that they are receiving compensation and that that compensation is traced, organised and delivered directly back to the creators of the work. The second major job of a music publisher is to promote the composition and actively look for ways to monetise and profit from the use of the composition.



HOW DO WE PUBLISH MUSIC?




Understanding that the music you write, from the moment you write it, is **YOUR PROPERTY** in a completely literal sense is essential to understanding everything that follows.

Copyright law is different in different countries. In the USA (and other places) you own the copyright to something automatically from the moment you think of it or create it, and then 'fix it' in a 'tangible medium expression' *- (ie. write it down, text it, voicenote etc.)

Let us build a little scenario to help us break down how copyright, publishing and royalty collection works.

1.



Let's say you just wrote a song, alone in your room on your guitar. You write down the lyrics in your notebook and record a little voice memo on your phone so you don't forget the melody! Automatically, that is your **composition**, and therefore your property. You own the copyright to that piece of work, (though you haven't registered that you own it yet, but that's for another time.) Nonetheless, it is YOURS.



2.

Because that composition is at this point 100% your property – you as the copyright holder can legally do three major things.

You can –

- 1 – 'Reproduce and distribute the musical work'
- 2 – 'Perform or display the musical work publicly'
- 3 – 'Create derivative works based on that musical work.'₂

Next, you call a producer friend and hit the studio to record your new track. You both work your magic and you now have the final, mastered wav. track ready to go.



3.

It is at this point that you need to start thinking about:

- a) How am I going to release the track (DISTRIBUTION)
- b) How am I going to protect my copyright (Publishing)
- c) How am I going to monitor the use of my composition and receive compensation and royalties (PUBLISHING + DIST.)

MINI GUIDE TO
DISTRIBUTION

Concerning a) How am I going to release the track (Distribution) - In the last edition of the Black Glitter Newsletter, I did a mini guide to independent distribution and reviewed 5 major online distributors, their pros and cons.

- b) How am I going to protect my copyright and my composition?

So now we have the mastered sound recording. This is what we will give to a distributor (Distrokid, Tunecore, etc.) - who's job is simply to reproduce your sound recording and literally distribute it to the public.

Now stay with me here -

However, we ALSO have the composition itself. The composition exists regardless of the sound recording. Even if all the streaming sites in the world crash tomorrow, the song you wrote is still your property, it still exists and can still be used. So how do we protect and monitor our composition as well as our sound recording?

This is where a publishing deal with a publisher OR a publishing administrator, and where Performance Rights Organisations (PROs) come in.



Different Kind's of Publishing Deals

Music publishers are 'authorised by the **copyright holders** to license the use of a particular musical work' *. They can also be involved in A&R and, depending on the deal you have with a publisher, they can also have more of a stake in your career development and may participate in many other aspects of your professional life.

So what do these different publishing deals look like?



Well first there is a **full publishing deal** - in this kind of deal the composer 'assigns 100% of their rights to the publisher'. That effectively makes your publisher your middle man, they are now the point of call for any and all decisions about your music, your distribution, and your licensing. In exchange they will handle all the publishing administration, give you an advance, as well as a portion of the royalties. In this case the publisher also has a much more vested interest in your success, and therefore will, in theory, go above and beyond to get you into the right rooms, on the right playlists etc.



A **Co-publishing** deal is when the publisher and the artist both share the publishing responsibilities and the artist retains a bigger percentage of their copyright. The publisher has a stake and still handles the major parts of the publishing administration and chasing down your money and royalties, but is not likely to do as much legwork as they would in a full publishing deal.



The final deal is actually the one I want to focus on today as it is the most relevant to independent, unsigned artists - a **publishing administration deal**. This basically means using only one wing of the publishing tree - the administrative services. With this deal the artist retains 100% of their copyright and will instead give a small portion of their royalties in exchange for the administrator 'collecting and auditing royalties' from as many sources as they can.

So how do I get a publishing deal then??

Now here is the kicker - most major publishing companies do not allow applications or submissions from just anyone. It is often the publishers who approach the artist and not the other way around. But as I have discovered in my research - all is not lost! There is still ways to protect your copyright and monitor your royalties and the use of your composition without an established publishing company.

The final deal I discussed - the 'publishing administration deal' - is a relatively new kind of publishing option. It makes aspects of the role of a publisher available to all artists.

The very first thing you need to do to protect your copyright, before even finding someone to do your publishing admin, is to register your artist name and your songs with an official royalty collection body. This is where Performance Rights Organisations come in.

What is a Performance whats-it-called?

"A PRO is an organization collecting royalties on behalf of songwriters and publishers, building a link between the owners of composition copyright and the music users (from radios and streaming services to your local business broadcasting music in the store). "

A performing rights organisation is the first official stop on the way to making sure that your royalties are coming directly to you, anytime your song is used. **Unfortunately**, in some countries in the world (Kenya included) these organisations can be corrupt and misappropriate funds. **However**, there are performing orgs all over the world and **some of them allow for international registration**! Feel free to reach out to blackglitterkin@gmail.com if you would like some help with this!

If you've made it this far - I'm so proud of you.

Also, even if you've read nothing else, make sure you read this page for some really important resources!

Next up is...

c) how am I going to monitor the use of my composition and receive compensation and royalties?

These are the publishing administration options and factors available to every artist, regardless of their profile, status, or location in the world.

1 - Publishing administration through a distributor (fees vary) -

Distributors such as CD Baby, Tunecore and Music Gateway have now added a **publishing administration wing** to their services (for a fee). On top of distributing your music to the streaming services, these platforms also offer a much broader royalty collection and monitoring outside of just streaming. These include mechanical & performance royalties, international downloads, radio and TV. They also offer Sync deals (which I will dive into in the next newsletter). These platforms also claim to offer more rigorous analytics so that you can monitor your royalties. This is a super new thing that distributors are starting to tap into, and I think we will see more and more of it with time.

2 - Registering with Sound Exchange (Free) -

Sound Exchange is a non-profit organisation designated by the US Congress to "collect and distribute **digital performance royalties** for sound recordings". 'Digital performance royalties' involves **non-interactive streaming** which is things like online radio. They also collect featured artist royalties. These kind of royalties are much harder to trace and collect through other collection channels, so definitely worth looking into this on top of your other publishing choices. Anyone anywhere can register.



3. Registering with SongTrust (\$100 one time fee) or Sentric Music (takes commission)

Songtrust and Sentric Music are **purely publishing administrators**. Unlike Option 1, you don't need to distribute with these platforms in order to use their publishing administrator services. This can be really helpful if you previously distributed through other distributors like Distrokid or Amuse, and now want to expand and monitor the royalty collection from those compositions more closely! Songtrust is a one time fee of \$100, which really is very little to pay to keep 100% of your copyright AND get full publishing administration done for you. Anyone anywhere can register. Sentric takes a cut of your royalties by commission.

4. Use a good distributor... but know that your royalties from your distributor are not all you are owed! -

All the major online distributors that independent artists use collect your streaming royalties for you; but not all of them are as detailed in their analytics, nor their royalty monitoring as others.



"A PRO songwriter composition streaming store)."

Distributors are only collecting royalties from the direct streaming of your **master sound recording**, not for your composition or how it is used. By getting publishing administration involved we are covering way more bases and therefore get a bigger payout from the use of our intellectual property.