

Terms commonly used in the music publishing industry
(and other terms I just really think you should know as a music business lawyer)
Tamera H. Bennett, Esq.*

advance: A payment of money to the songwriter from the music publisher that is typically recoupable from future earned royalties. (An advance may also be classified as refundable in which case the money should be treated as a loan.)

album: An instrument for reproducing sounds by means of the vibration of a stylus or needle following a spiral groove on a revolving disc or cylinder.

ASCAP: American Society of Composers Authors and Publishers. Performance Rights Society.

BMI: Broadcast Music, Inc. Performance Rights Society.

cassette: A plastic cartridge containing magnetic tape with the tape on one reel passing to the other.

compulsory mechanical license: When phonorecords of a non-dramatic musical work have been distributed to the public in the United States, under the authority of the copyright owner, any other person, upon complying with 17 U.S.C. 115 may obtain a license to manufacture and distribute to public for private use.

controlled composition: A clause found in recording artist agreements that reduces the mechanical royalty rate paid for compositions written by the artist or an entity/person affiliated with the artist.

co-publishing: When two or more publishers share in the ownership of the copyright of the composition.

cross-collateralization: Allowing royalties from one song (or contract) to be applied against the un-recouped advance balance of another song (or contract).

cut: When a song is recorded.

demo: A demonstration recording of a song in the song catalog.

exclusive songwriter agreement: An agreement between a songwriter (licensor) and a music publisher (licensee) assigning the licensee the copyright in all musical compositions written by licensor during a set length of time in exchange for consideration.

gig: A job.

Harry Fox Agency: Largest agency for the issuance of mechanical licenses on behalf of music publishers.

hold: A time period in which a song is taken “off the market” by the publisher and is not pitched because the song is being considered for a project.

hook: Memorable melodic or lyrical phrase in a song.

jacket: A paperboard container for a phonograph record

j-card: Printed cassette insert which when viewed from the side resembles the letter 'J'.

jewel box: The standard, universally accepted plastic CD case.

key-man clause: A contractual clause that allows the songwriter to terminate his exclusive songwriter agreement in the event a key person, which is named in the agreement, leaves the publishing company. This clause may be found in numerous types of contracts.

master: see Sound Recording.

master use license: A license from the owner of the master recordings allowing for the reproduction and distribution of the master recordings.

mechanical license: A license that permits the reproduction of music in a form that may be heard with the aid of a "mechanical device. (Derived from the exclusive right in the U.S. Copyright Act to reproduce copies and phonorecords).

most favored nations clause: A promise by a licensee to treat a licensor equal to any other licensor on a particular project. (As an example, assume Licensor A grants a full mechanical rate to Licensee. If Licensor B agreed to grant a reduced rate, and also included a most favored nations clause in the mechanical license, Licensor B would receive a full rate because Licensor A received a full rate).

norelco box: The standard universally accepted plastic cassette case.

pass on a song: When a song is not placed on hold.

perform (as set forth in U.S. Copyright Act): Recite, render, play, dance or act it, either directly or by means of any device or process or, in the case of a motion picture or other audiovisual work, to show its images in any sequence or to make the sounds accompanying it audible.

performance rights society: An entity that licenses the public performance of non-dramatic musical works on behalf of copyright holders.

phonorecord (as set forth in U.S. Copyright Act): Material objects in which sounds, other than those accompanying a motion picture, or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

pitching a song: Someone pitches a song when they submit the song to a recording artist, music producer, record label or other person in hopes the song will be recorded.

print license: A license to reproduce the visual images of the music and/or lyrics of a musical composition.

public domain: The total absence of copyright protection.

public performance (as set forth in U.S. Copyright Act): Perform or display at a place open to the public, or any place where a substantial number of persons outside of a normal circle of family and its social acquaintances is gathered; or to transmit or communicate a performance to one of the groups herein.

Recording Industry Association of America (RIAA): The trade organization of member record labels. The RIAA does not represent the interests of music publishers or songwriters.

SESAC: Performance rights society.

single song agreement: An agreement between a songwriter (licensor) and a music publisher (licensee) assigning to the licensee the copyright in a musical composition in exchange for consideration.

songplugger: A songplugger is the person that promotes songs to recording artists, music producers and record companies in an effort to secure revenue from the use of the songs.

sound recording (as set forth in the U.S. Copyright Act): Works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sound accompanying a motion picture or other audiovisual work, regardless of the nature of the material objects, such as disks, tapes or other phonorecords, in which they are embodied.

statutory mechanical rate: The rate, currently determined by the 1997 Mechanical Rate Adjustment, to be paid to the musical composition copyright owner for each phonorecord made and distributed embodying the musical composition.

synchronization license: Permission to use a song in timed relation to visual images.

Tin Pan Alley: A nickname given an actual street (West 28th Street between Broadway and Sixth Avenue) in Manhattan where many of the popular music publishers had their offices in the late 1800's and early 1900's.

tip sheet: A list of the artists/producers who are recording and the type of material requested. (*i.e.*, pop, rock, ballad, up-tempo, a young Reba, Brittany Spears meets Bette Midler).

track: When a recorded song is on the final released project.

vinyl: See Album.

*Bennett Law Office, PC, counsels clients in the areas of Entertainment, Internet and Intellectual Property Law. Ms. Bennett may be reached at 972-436-8141 or by email at tbennett@tbennettlaw.com.

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