

BAND TIPS: RIGHTS IN A SONG EXPLAINED



FirstMusicContact

I'm all rights, Jack

One day, with nothing else to do you wander down as far as the local record shop 'Mickey's Mental Metal and Bluegrass Hut'. As you're drawing near you hear what sounds like a Ten Speed Racer song you've never heard before coming out of the shop's huge sound system. Your curiosity roused, you nip in and Fat Charlie, the ex-roadie who runs the place tells you he has just got TSR's new album in stock. You ask if you can hear another track and being an obliging kind of guy Fat Charlie lets you hear the entire album at full volume.

You trot home a happier bunny and sit down for an afternoon of trash TV. In between Blue's Clues and Kipper you notice a familiar sound and realise that one of the tracks from the album is being used on an advert already.

It's a really catchy tune and you decide you have to have it as a ringtone. A quick SMS later, a questionable rendition of the song is bleeping and burbling out of your Nokia.

That evening, you're sitting around having put away the dishes and washed the cat and that song is still going through your head. You're driving your girlfriend mad humming it and you're desperate to hear it again. A brainwave strikes and you phone a request into the Tom Dunne show. You're in luck, Tom loves the song too and a few minutes later your radio is aglow.

Next morning first thing you head down to Fat Charlie's and part with your hard earned in return for a copy of the CD. As you're scuttling off home who should you run slap bang into but ten speed racer themselves. You tell them about how much you adore the album and the whole story of how you came to buy it.

'So', you ask them 'are you making any money out of this yet?'

'Well', they reply, 'because Fat Charlie played the album in the shop we'll get a performance royalty payment from IMRO for writing the song, and our record company will get a performance royalty from PPI, and because we're also the featured performers on the tracks we'll get a payment from RAAP as well. Now, none of these organisations run around taking notes of everything that gets played in a public place, but they carry out an analysis of what happens and we'll get a share of the overall pie based on how popular our music is.'

'What about the advert, then?' you enquire.

'Well with the advert, because we wrote the song they had to ask our permission to use the track and we licenced the use and charged them a one-off fee. So did the record company, because there is a separate copyright in the recording. Plus, we'll get a broadcast royalty from IMRO for every time it goes out on air and the record company will get a broadcast royalty from PPI.'

'Wow', you say, 'that's amazing. What about my ringtone, though? You're not telling me you get paid for that.'

'Yep' 'Every time someone downloads a ringtone we get a royalty from MCPS, who control the mechanical right. That's the right that comes into play whenever a recording is made.'

'So do your record company get paid for ringtones too?'

'Nope, because the ringtone doesn't use the original recording the record company doesn't control the rights – they would be owned by who ever codes the ringtone'

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'Poor them', you say, 'but they must do all right out of selling the album'.

'Too right' they reply 'but so do we. As part of our deal with the record company we get an artist royalty payment from them for every copy they sell, and because we wrote all the songs as well MCPS collect a royalty of 8.5% of the dealer price on every copy that's sold and we get that too'.

'But you wouldn't get that if someone did a cover version would you?' you ask.

'Indeed we would' he enlightens you, 'the mechanical royalty goes to the songwriter whether they record the song themselves or someone else covers it!'

'Jeez', you say 'it's been a real eye opener. Nice to see you again. So, where are you off to now?'

'Well, first we're stopping by Fred's Cuban Cigars, then we're off to Alfie's Shiny Red Ferrari Shop. Ciao!'

Written by Greg McAteer, MCPS for fmc © 2003

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