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Fast Forward e-Newsletter

Licensing Your Music

By Andre Calilhanna

Music is everywhere. It's playing in just about every restaurant in every city around the world. It's in the air when you go to the mall. It's in practically every television show and movie ever made. It's on video games and airplanes. It's pretty difficult to escape it.

Amazingly, with copyright law, all this music is protected. The copyright owner, typically the songwriter and/or composer, has to grant rights for the use of his material, be it on radio, television, in a public place, etc. The owner of the sound recording also has to grant permission for the recording to be used or broadcast.

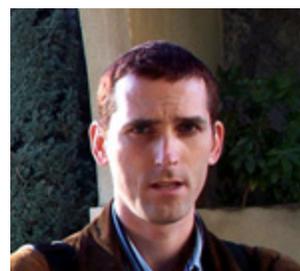
A license grants the right to use or broadcast music. In the case of radio stations, restaurants, and bars, this is usually done with a blanket license obtained from ASCAP, BMI, or SESAC, the performance rights organizations who monitor and collect money for artists.

In most venues, the songs played are hits by popular artists. But the demand for new and unheard content makes licensing a viable opportunity for independent artists.

"If you look at it, it's one of the only real ways of earning money off your music," says Eric de Fontenay, founder and publisher of MusicDish. "The music industry is changing, but the revenue channels aren't changing as quickly as the industry. Principally, artists are making their money by gigging and selling merchandise. After that, if they're advanced enough, it's licensing."

The opportunities available to independent musicians don't often have a lot of money attached to them. Still, Sean Cassidy, founder of independent Running Dream Records, is thrilled to have landed a track on EA Sports' best-selling FIFA 06 video game. Selasee, the sole artist on the label's roster, earned the distinction by beating out thousands of other indie submissions.

"Often there's not a lot of money to be made in the licensing part," explains Cassidy. "In some situations, where there's not much promotion for you, you have to get some kind of monetary compensation. But for something like an EA Sports video game, there's no monetary compensation for that – if you get something it's very small – because they're giving you this great

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marketing platform. Six million people get this video game. You have to recognize the benefits in that situation and not focus on the monetary aspect.”



Sean Cassidy



EA Sports' FIFA '06.

Budget constraints and demographic considerations are some of the factors that drive people to seek cheaper, independent music. Which is good news for the artists still flying under the radar. “And you have to define what cheap means,” says de Fontenay.

“If you’re making a film, you need music. When you say cheap, you’re comparing it to what the other option is, which is major label music. With that, the most expensive part might not be the music but may be all the legal terms, conditions, negotiations, etc. So there are a lot of independent film makers who are looking for music that does not impose the same transactional costs. The artist could still make \$3,000 off the deal. Of course, the publisher might make 50%, but the artist is still making \$1,500. How many CDs do you have to sell to make that? How long does it take to sell that many CDs?”

Television placement represents a large and relatively attainable avenue for licensing songs. Evan Koch, who heads Primary Voltage Records, a Boston-based indie label, landed artists on MTV responding to an online posting. He sent all the label’s CDs to MTV, and some were selected for placement.

“The bottom line is MTV has got the most hours of original programming to fill,” Koch says, “and they definitely have a need to make their content to seem very up-to-date. Put that together with the small budget they’ve got and it screams out the need to find an indie artist. Find stuff that’s just breaking out and get it on the air.”

From an economic standpoint, the artist earns money in two separate streams in a TV licensing arrangement. First, there are synchronization rights, which is basically the copyright owner granting the network the right to synchronize his music with their program.

“But for an indie artist, you’re not in a strong bargaining position,” explains Koch, “so you’re basically accepting zero for that. But luckily, there’s the second piece of the puzzle. Every time your song gets played, ASCAP or BMI is tracking it and they collect money on behalf of the songwriter. So that’s a check every three months.”

Of course, it’s not quite as easy as that. Managing and maintaining a proactive licensing initiative is no easy task, especially for an artist without a label, manager, or publisher to push the program forward. “And the basic truth,” says de Fontenay, “is most independent artists don’t have any idea of how to pursue licensing.”

There are online services that offer licensing. A simple web search will turn up a number of sites. Many accept music from independent artists, and most bank a catalog of songs to offer licensing rights to.



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“The problem,” says de Fontenay, “is there’s no way these online licensers can represent you or try to up sell you. That’s the role of a publisher or manager. So you’re basically in a big barrel with lots of fish. There’s no reason not to do it, but posting your songs and waiting for something to happen isn’t a licensing plan that is likely to earn you money.”



Selasee

For an independent artist, the benefits of licensing are often not going to be found in a simple pay day. The benefits from the exposure, the recognition, the association of your music with an established brand or a prestigious TV show or movie – these are promotional tools that money can’t buy.

“There’s no doubt, the EA Sports deal helps us,” Cassidy emphasizes. “It opens up doors. This year Selasee showcased at Midem (in Cannes, France). That’s like the world music industry fair. It’s very hard to get a showcase, but the fact that we were on FIFA, and the fact that it was discovered through Midem the year before – it earned us a showcase. It hasn’t landed us a deal yet, but there are a lot of good conversations going on.”

In fact, Koch insists that it isn’t the terms of any specific deal that makes a licensing arrangement valuable to his artists.

“It doesn’t often add a lot to the bottom line in terms of money, but it adds to the excitement and the buzz that’s going around if you can point to something that’s working. You’re always looking for that combination of things that will make your band look better than the one right next to you, and if this is that incremental nudge you need to look a little more for real than all the other bands you’re playing along with, then it has totally paid itself off.”

Eric de Fontenay is the founder and Publisher of MusicDish, President and CEO of Tag It, and Editor-in-Chief of Mi2N. de Fontenay has spent his career understanding and developing solutions for the emerging telecommunications and digital markets. Learn more at www.musicdish.com, www.taggin.com, and www.mi2n.com.

Sean Cassidy is President of Montreal-based Running Dream Records. The label is home to Selasee Atiase, a Ghana, Africa-born musician who blends reggae, pop and West African “Hi-Life” music. Learn more at www.runningdream.com, www.selasee.com, and www.myspace.com/selasee.

Evan Koch is president and owner of Primary Voltage Records (PVR) – a Boston-based micro-label specializing in indie rock music, focused on the Northeast USA music market. PVR was recently named “Best of Boston” by Improper Bostonian magazine. Learn more at www.PrimaryVoltage.com.



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