

Publishing Glossary

These terms are essential for anyone wishing to publish their music to know and understand.

- Administration—In publishing, the registration, collection, and exploitation of copyrights.
- Administration Deals—Frequently used to refer to publishing deals that are shorter than the life of copyright.
- ASCAP—American Society of Composers, Authors, and Publishers. One of the three main performance rights organizations (PROs).
- BMI—Broadcast Music Incorporated. One of the three main performance rights organizations.
- CMRRA—Canadian Mechanical Rights Reproduction Agency. Canadian counterpart to the Harry Fox Agency.
- Co-Publishing Deals—Publishing deals between two or more publishers.
- Compulsory License—License that—if certain criteria are met—allows for any song to be re-recorded (covered).
- Controlled Composition Clause—Clause in record label contracts that limits the amount of mechanical royalty money labels must pay to writer performers signed to the label.
 - What does the clause typically look like? For a simplified example of how it works, lets assume a typical clause, which might say that the songwriter/artist will receive 3/4 of the minimum statutory mechanical rate payable on a maximum of 10 songs per LP.
 - The mechanical royalty on the artist's entire LP has a cap of 60 cents (3/4 rate x 10 songs) so that, even if the songwriter/artist writes 12 songs for its own album, the artist's publishing, which should be worth about 96 cents an album at the full rate, is only allocated 60 cents under this clause.
 - Layman's terms with detailed explanation:
 - <https://www.ascap.com/help/music-business-101/controlled-composition-clauses>
- Controlled Composition - A controlled composition is a song written, owned or controlled by the artist.
 - Conceptualized: A controlled composition is related to the concept of mechanical royalties ("mechanicals"). Mechanicals are the fees paid by the label to the owner of the copyright ("song") - whether it is the artist or the artist's publisher - for the use of the song on a recording sold to the public.
 - Application: The purpose of a controlled composition clause is to put a limit on how much the label has to pay for each controlled composition. Labels want to

put a limit on how much they have to pay to use the song, because unlike artist royalties, labels generally do not recoup advances, recording costs, etc. from mechanicals. Hence, in the record contract, labels will only offer an artist what is called a "rate" on controlled compositions. The rate is usually 75% of the minimum statutory rate

- ©—Typically found on records, followed by a year. This denotes the time when the songs on the record were originally copyrighted. As copyright notices are not required by law unless what is being copyrighted is "visibly perceptible," this notice is not strictly necessary unless lyrics—which are visibly perceptible—are included in the package.
- Copyright—Protects "original works of authorship" and grants the holder the right to reproduce, sell, perform, and make a derivative work.
- Cover Recording—A recording of a composition that the performing artist did not write.
- Cue-sheets—Lists kept by TV stations, which track every musical composition used (and how they are used in the program). These are submitted to the PROs who use them to calculate TV performance royalties for their writers.
- First Use—The owner of the copyright of the song determines who uses the song first. Once it's been used (recorded and commercially distributed), it can then be "covered" by anyone.
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- Harry Fox Agency—Issues mechanical licenses for publishers. Collects mechanical income from users for publishers.
- Mechanical—The license fee paid by the record label to the writer of the song for the right to "mechanically" reproduce the writer's copyrighted material.
- (P) notice—On a record, this represents a sound recording copyright. It is the copyright of the actual recording—not the individual songs.
- Public Domain (PD)—Songs whose copyright has lapsed. These songs can be recorded and performed by anyone with no royalties due to the writer.
- Recoupment—The recovery of expenses by publishers and labels, which are collected before they must pay artist royalties. It is important to clarify what is recoupable by labels or publishers in your contract.
- Royalties—Moneys paid from labels or publishers to artists and/or songwriters.
- SESAC—One of the three main performance rights organizations.

- **Sonny Bono Law**—Passed in 1998, this law—officially called the Sonny Bono Copyright Extension act— extends the life of a copyright to seventy years after the last remaining writer of a song dies.
- **Statutory Rate**—The monetary amount that must be paid, per song, in order to receive a mechanical license, which grants the use a copyrighted composition.
- **Synchronization**—In publishing, typically abbreviated as "sync," this refers to using copyrighted music in a movie, TV show, or ad.
- **Works For Hire**—If you get paid to write a song as a "work for hire," when you deliver that song, you have no further claim over it. In fact, the person who commissioned you becomes the legal "author" of the song.

Terms and Legalese Glossary

- "according to"/"in accordance with" – by the rules of; as stated by
- "efforts" – all activities with intent in a specified area
- "pro-rata share" – a share (of moneys) which is proportional to their share of copyright ownership
- "include, but are not limited to" – [includes all the things on the following list, and probably other things as well]
- "only to the extent that" - up until a certain point, at which...
- "prior written consent" – a person has authorized an action or activity, in writing, before the action or activity is taken
- "with respect to" – in relation to; regarding
- "written in whole or in part" – completely, or partially written by

- Administer – manage and be responsible for the running of (a business, organization, etc.; in regards to songs, handle business affairs, including but not limited to attaining placements, registering compositions, and receiving/distributing related royalties related to songs.
- Amended – changed (esp. in regards to a text or piece of legislation), often in a limited sense, and with the aim of making it more fair, accurate, or representative of current circumstances.
- Arbitration – a legal technique for the resolution of disputes outside the courts, wherein the parties to a dispute refer it to one or more persons (the "arbitrators", "arbiters" or "arbitral tribunal"), by whose decision (the "award") they agree to be bound.
- Attributable (to) – a state of being factually connected to, or resulting from; regarded as being caused by
- Copyright © – the inherent rights and privileges held by a person or entity who owns or is in lawful possession of a creative work
- Copyright Law - a particular branch of intellectual property law, specifically relating to creative or artistic materials, as well as the ideas embedded within them
- Designate (v) – assign or appoint (someone) to a person or acting organization, with respect to authority or responsibility
- Domain name – the URL code for a website or other online address
- Exclusive – Held by or granted to a single person or entity, at the exclusion of all others; restricted to the person, group, or area concerned, barring access to all others
- Expenditure – the amount of resources (e.g. financial wealth) spent by a person or entity
- Hereby – “as of this writing”
- Income – moneys earned, such as through a salary or business transaction

- Incur – bring about or upon oneself (esp. with regards to financial expenses or expenditure)
- Indemnify – compensate (someone) for harm or loss; secure (someone) against legal responsibility for their actions
- Interpolation – the use of one item in another. In the context of musical copyright, this term may be used in regards to the use (or interpolation) of a (potentially copyright-protected) sample within a track or other copyrightable work.
- Jurisdiction - The official power to make legal decisions and judgements; The territory or sphere of activity over which the legal authority of a court or other institution extends
- Limited rights – A specified series of combined action and authority that may be held by an individual or entity in regards to a creative work; often delegated by a copyright holder to another person or party who has licenced the use of that work.
- Logo – A symbol or other small design adopted by an organization to identify its products, uniform, vehicles, etc. Note that logos are copyrightable under the form of a trademark (™).
- Mediator – a person who attempts to make people involved in a conflict come to an agreement by representing each side to the other.
- Merchandising – the process of selling products (clothes, accessories, etc. i.e. merchandise) with a particular brand (or in this case, artists') name on it.
- Moneys – all forms of income
- Net profits – the amount made once all expenses are accounted for; (income – expenses)
- Profit – financial gain; all income attained through means related to a specific business
- Proportionate – corresponding in size or amount to something else; equal in ratio to some predetermined schema

- Provision – Generally, something that is supplied; in contracts, refers to a section or actionable clause in a contract.
- Publisher – a company or person that administers and place written works (in this case, songs)
- Representation – In a legal context, the action of speaking or acting on behalf of someone, or the state of being represented. In most music-related instances, the person representing another will be a professional, typically a lawyer or manager.
- Royalties – moneys paid to a copyright owner (such as a composer or songwriter) for actions such as the copy, use, sale, or public performance of their work.
- Samples (n) – small lengths of audio material, often used in the production of a musical track. Oftentimes, the term “sample” colloquially refers to a sample which is derived from an existing and copyright protected recording, and thus special attention must be paid by the user to ensure they are not infringing on existing copyrights.
- Service – an action or provision performed for profit (i.e. the service of public performance)
- Service Mark ® - a kind of trademark used to identify a service rather than a product
- Shares (n) – a portion of a business or entity which has monetary value, and/or on which money can be earned.
- Sound recordings – any digital or physical recording, musical or otherwise, which contains sounds on it. It should be noted that, in the context of copyright law, copyrights can only be held in sound recordings which have been finalized and finalized in a form (i.e. master recordings); thus, audio files that are used during production, but are not present in the final edition of the master recording may not be covered by copyright.
- Sub-publish – Sub-publishing is a practice in which a larger music company (such as a record label) takes responsibility for the publishing of a writer or artist’s works, but delegates the role of administering the creative works to an external publishing company that works for the larger company.

- Trademark TM - a symbol, word, or words which are (either) legally registered or established by their use as representing a company or product
- Unanimous – Mutually agreed upon by every party in relation to a specific issue
- Vest (v) – to invest or imbue; specifically with regards to a person's interest.
- Warrant (v) – to allow, especially in regards to a set of existing laws or standards.
- Warranty – an assurance, typically made to a customer on behalf of a company, that ensures the quality or protection of a product or service offered by that company.
- Writer – One who uses their artistic, musical, and/or linguistic ability to create musical or literary works.