

The Filking Times

February 1989

Issue 2

FEATURE ARTICLE

The Business of Music

An Adult Education class presented by
Eric Harris and *The Learning Exchange*
by Rick Weiss

In recent months, there has been a great deal of fire and fury in the Filking Community over publishing and producing contracts. We were somewhat bewildered bystanders to this, being relatively ignorant of what was really correct business practice and what, if anything, was not. When The Learning Exchange, a local adult education center, listed a course called The Business of Music, it seemed too good an opportunity to miss.

On 8 Dec. 1988, I attended the course presented by Mr. Eric Harris. Mr. Harris is the owner of three music publishing companies, and is the State Director of the American Music Festival Assoc., the American Musical Festival tour, Silver Starburst Music, et. al. This course covered the basics of music publishing and producing, with an emphasis on how to start your own music publishing business. Although the course was aimed at a mundane, commercial music genre, much of the information applies to Filk. This article will feature those portions of my notes as seem most interesting to Filk.

READER'S CAVEAT: The information presented here consists primarily of the personal experience and opinions of Mr. Harris as transmitted through the author (Rick Weiss). The accuracy and completeness of this information should be verified before taking any action based on it.

Part One of a Series

The Publishing Company

A music publishing company is a company which promotes a song. When a songwriter signs a contract with a publisher, this is referred to as 'publishing the song'. The publisher is then responsible for registering the copyright, promoting it to record producers and recording artists, and (usually) managing the bookkeeping and accounts on it in the future. The publisher has total control over the first release of the song (thereafter it may be subject to compulsory license), and will receive the publisher's share of royalties forever, or until their contract runs out, if it has an expiration date. (An expiration date is definitely *not* in the publisher's best interests.)

Note that 'publishing a song' is a very different from 'publishing a book'. If you write a novel and have it 'published', this means that you have sold it to a publisher (usually you sell the rights to "the first North American edition"), who has printed and distributed it, and that the book is now available for retail sales at your local bookstore. When you write a song and 'publish' it,

all that this means is that you have signed a contract with a music publisher. Absolutely nothing else has happened; none of the terms of that contract have been fulfilled as yet. Those terms would state that the publisher promises to promote it and attempt to get it recorded, released, and distributed. Not until it completes all these additional steps will the song be available for sale at your local record store. A published song can fall at any step to make it to market. Once the song is sold to a publisher, the songwriter may have no further contact with it except (hopefully) to collect royalties when it becomes a hit.

The Publisher

The Publisher of a song is the owner of control of the song. Once a publisher signs a contract for a song, he will be *very* reluctant to ever release rights to it. A song may sit on the shelf for years before it clicks and becomes a hit. Any publisher who looks at a song they own which hasn't sold to a recording artist, and figures "It's a dog, let's dump it," and reverts rights back to the writer is being very naive. The Carpenters first big hit, "Close to You", which came out in 1968, was written by Burt Bacharach and Hal David in 1958. It sat on a shelf for ten years, then made it big, and earned its writers and publisher some big bucks.

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FROM YOUR EDITORS

Oops! We just found out that the title Loose Notes was already claimed by Susan Landerman of Phoenix, AZ and Jim and Melody Rondeau of San Jose, CA for their filkzine/songbook. Well, we don't want to horn in on their scene, so we changed our name. We even checked out the LA Times and The NY Times for copyrights and trademarks. So, Rick and I are proud to introduce to you The Filking Times! Everything else will remain the same--only the name has changed.

Next, we'd like to draw your attention to the Editorial Policy on Page 2. Hopefully this will answer many of the questions we've been asked lately. Naturally, this is all subject to sudden change, but then we're the Eds. and we can do things like that. Also, future issues may feature an abridged version with the complete text being printed every 3-4 months. The darned thing eats space!

Finally, we would like to thank everyone for their kind sentiments and the lovely floral arrangement sent for Deborah's father's funeral. It was much appreciated.

Suggested Bill of Rights and Responsibilities for a Filk

With comments by Deborah Leonard

Part 2 of 4

II. Filkers' Rights and Responsibilities

A. AS A GUEST:

1. The responsibility to respect and honor the host's declared and posted house rules.
2. The responsibility to contribute to the evening's munchies or to the kitty if not contributing food/drink.
3. The responsibility to help clean up the filk site.
4. The responsibility to get host's OK in advance to bring smalls/minors/pets.
5. The right to arrive and/or depart at any point during the announced hours.
6. The responsibility to honor the host's chosen style of filking and demigod.

Well, methinks this section should have been included with the Host's R&R's, but we ran out of space. Anyway, here it is. These little points of courtesy are what encourage filk hosts to continue hosting filks. When asked what situations would influence them to decide NOT to host a filk, the responses of past hosts helped us to draw up the above points. The common underlying theme is simply respect for someone's private residence/space. Attendees at a filk hosted by someone at his/her home are GUESTS, not family, and should

conduct themselves accordingly. Otherwise (horrors!) opportunities for filking may dwindle into nonexistence due to a lack of people willing to host a filk at their residence. 'Nuff said.

On other fronts, responses and discussion of the "Bill of Rights and Responsibilities..." have been interesting and enlightening. We use all comments to refine and enhance what we started out with. Not everything gets added--we are trying to make this as generic as possible and use the consensus method to test out ideas. Once the original set of R&R's have been printed here, changes and new additions will be featured.

"Quoth the FilkLord . . ."

by Quentin Long

An eccentric column from an off-centered filker

I understand that you folks were talking about "Elitist Intolerance" years after the damn thing was printed. Geez, Rick, couldn't anybody think of anything better to talk about?

Well, it's been a slow week here in Filker's Row, my hometown. Of course, it usually is, as everyone knows. Heck, even you transients, who never spend more'n a couple minutes at a time down here while you're passing through, often remark on how placid Filker's Row is... but I assure you that underneath that placid exterior, Filker's Row is a veritable hotbed of excitement and intrigue. That being the case, I thought maybe it'd be a good idea to introduce some of the locals.

One of the more respected folks is a fellow named Cordwainer Dylan. The man can't carry a tune with both hands and a thermos bottle, sad to say. But as long as

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THE FILKING TIMES Editorial Policy--TAKE HEED!

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CONTRIBUTOR'S COPIES: Those who send items for print that generate 3-4 inches of text (3.75-inch column width and 10-point type) in one issue will receive that issue free; subscribers having a published item conforming to the above will have their subscription extended by one issue.

SUBSCRIPTIONS: \$4.00 per one year or 12 issues, whichever takes longer, let class mail. Sample copies and back issues are available for \$0.50 each. Send cash, check or money order payable to: Rick Weiss, 18261 Donegal Drive, Garden Grove, CA 92644-2904, 714/530-3546 (no later than 10:00 PM, please).

DISCLAIMER: The opinions expressed herein are those of the writers and are not necessarily those of the editors. We will try to publish different viewpoints and responses on issues of interest. Do be aware that "No Comment" is a response, albeit rather unenlightening.

REVIEWS: Have you attended a filk in your area recently? How about a filk at a con? Write us a review of the event! What about that new tape/book/song? Tell us what you think/feel about it! We'd like to print and share your view with other filkers.

ARTICLES, COMMENTARIES, LETTERS: We are looking for items on topics of general interest to filkers, be it local news, tips on songwriting, filk history, local filk customs, comments on previous articles, or whatever else you can think of. Please write! Our WP program only has so many words in its dictionary--Send your submissions to the above address in hardcopy OR Atari ST diskettes with WP .DOC or ASCII files OR we can receive the same or any ASCII file via modem. Call or write us for information.

CLASSIFIEDS/ADVERTISING: Classifieds will be published on a space available basis. Free classifieds up to 5 lines for subscribers; all others \$0.05 per line. Other advertising--we have yet to establish a permanent policy; call or write us and ask for details.

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"Quoth the FilkLord . . ." - Continued

he keeps on writing songs the way he does, I don't imagine anyone's likely to complain. We figure that any year now he'll start writing his own tunes, too, and then we'll *really* see some top-end songs.

Another person we all know is the Countess -- her real name's Anastasia Windsor, of course. She moved in from Verdi, down the road a piece, where they raise a respectable crop of Serious Singers. When she found out we nicknamed her after that Misty Lackey song, she damn near busted a gut laughing; with that kind of a sense of humor, I guess we'll keep her.

Speaking of the aristocracy, we also got us a Baron. Vince Smith, but we call him Baron von Schmidt. Kind of an abrasive martinet, but then again he's also talented. Never seen him try anything he wasn't good at -- singing, composing, whatever -- but to hear *him* tell it, you'd swear that Baron was an all-around babbling incompetent. Then again, you'd also swear that everybody else in Filker's Row was an all-around babbling incompetent too...

Barry and Barrie Cerney are the only set of twins in Filker's Row. They don't get along at all well, sad to say; Barry thinks Barrie's taste in music is a relic from the 18th century, and Barrie says Barry's "gone Hollywood", all glitter and no substance. We try to keep on good terms with both of 'em, but it's not easy, what with the Cerneys' family history of insanity and all.

Mitch Connel is Da Godfaddah. He's a first-rate organizer; he always has some cockamamie scheme or another going, and they make him a few dollars more often than not. For an example, Mitch had a project to translate some of Cordwainer's songs into Sanskrit and publish 'em on cassette. As it happened, Mitch couldn't find any Sanskrit-speaking singers any closer than the East Indian colony in Purfle, New York, but once he hooked up with them, he was guaranteed a good 200-300 cassettes sold in Purfle each year for the foreseeable future. We call Mitch "Da Godfaddah" because when he makes you an offer, you probably don't want to refuse.

I think that's enough for the present. Be seeing you around, okay?

(Eds. Note: Hmmm--sounds to us like he was bit by the "Prairie Home Companion" bug! But we like him anyway.)

UPCOMING EVENTS

Future Filksings:

Los Angeles Area: February 4 at the Brenner's
March 18 at Lee and Barry Gold's

San Diego Area: 4th Saturday of each month. Contact Barney Evans, 619/282-2892, for information.

The Business of Music - Continued

The Producer

The Producer is responsible for the total sound on the record - the performers, songs, arrangements, order of play, etc. The Producer often also has financial control, but not always.

Registering a Copyright

Copyrights are registered with the Library of Congress using either a Form PA (for sheet music and lyrics) or SR (for recorded performances). Either medium may be used to register the copyright.

The fee is \$10 for each registration. This is where it becomes greatly to your advantage to register recordings. Up to ten recordings can be registered at once as a 'catalog' for the \$10 fee, plus \$.50 per title, provided every title has identical author credits (both words and music). That is, all the songs may be "words and music by John Doe", or, "words by John Doe, music by Mary Roe", or "words by John Doe, music by John Doe and Mary Roe", as long as the credits on all the songs read the same.

Once a copyright on a song (which consists of both words and music) is registered, the Copyright Office regards the song as an indissoluble whole. The words and music cannot be treated separately. A compulsory license can be granted for the song *as originally written*. However, if you use the tune and re-write the lyrics or vice versa, this is an alteration of the work and cannot be published without the consent of the copyright holder. However, if someone wrote a poem and copyrighted it, and someone else wrote some music, and copyrighted that, and then later the two of them were combined to become a song, it would then get a third separate copyright on the combination of the two separate pieces as a song.

UPCOMING EVENTS - Continued

Future Filksings

SF Bay Area: February 4 at Valerie Voight's. Call 415/856-6911 for details.

Otherwise, to get onto the mailing list, contact Bob Kanefsky at 235 Embarcadero, Palo Alto, CA 94301, 415/324-2001, or contact Kathy Mar, 415/481-5736, for further information.

Conventions:

Bayfilk 5, March 3-5, 1989 at the Oakland Airport Hyatt Hotel. Contact Firebird Arts and Music, Inc., P.O. Box 453, El Cerrito, CA 94530. Memberships \$25 to March 1, 1989; then \$35 at the door.

ConChord V, October 6-8, 1989. Paul Willett, Chairman. 1810 14th St. #102, Santa Monica, CA 90404. Memberships \$18 (attending) till March 15 and \$8 supporting.