



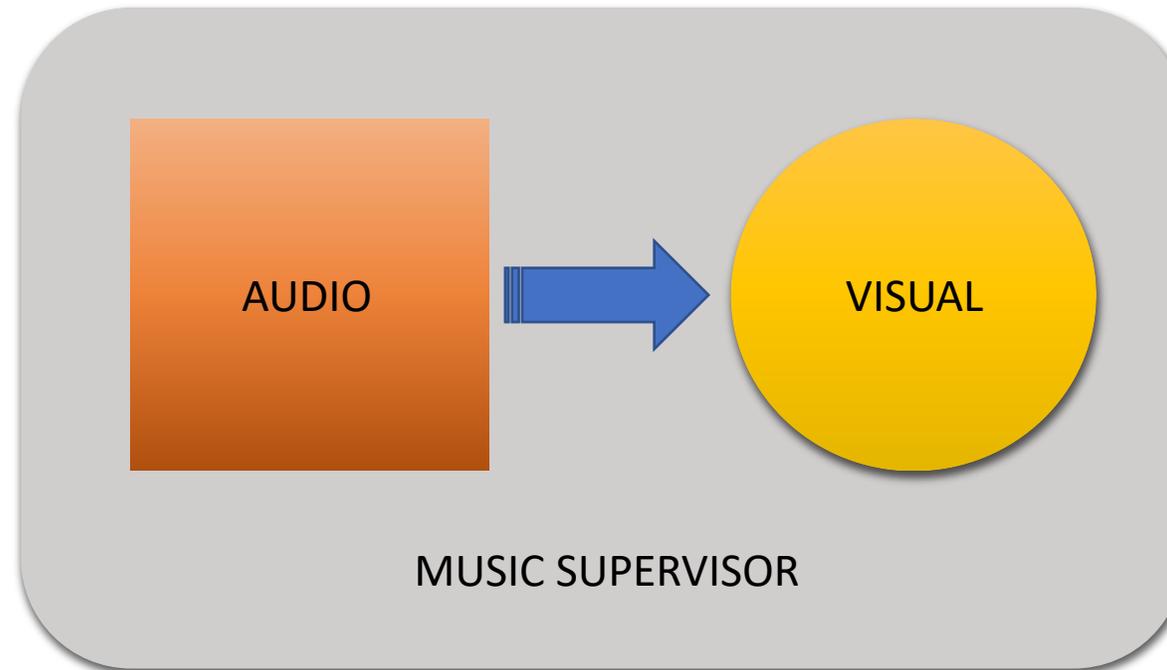
Songtradr Brasil Music Summit

February 5, 2019

Principles of Music Supervision | Film & TV

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According to The Guild of Music Supervisors, a music supervisor is “a qualified professional who oversees all music-related aspects of film, television, advertising, video games and other existing or emerging visual media platforms as required.”



Principles of Music Supervision | Film & TV

Who is a Music Supervisor?

A Music Supervisor is someone with an outstanding music knowledge and finessed knowledge of music licensing. Understanding the Music Publishing and Label ecosystem allows a music supervisor to negotiate clearance quotes and prices.

Who hires the Music Supervisor?

The Broadcast Networks, Executive Producers, Producers, Directors.

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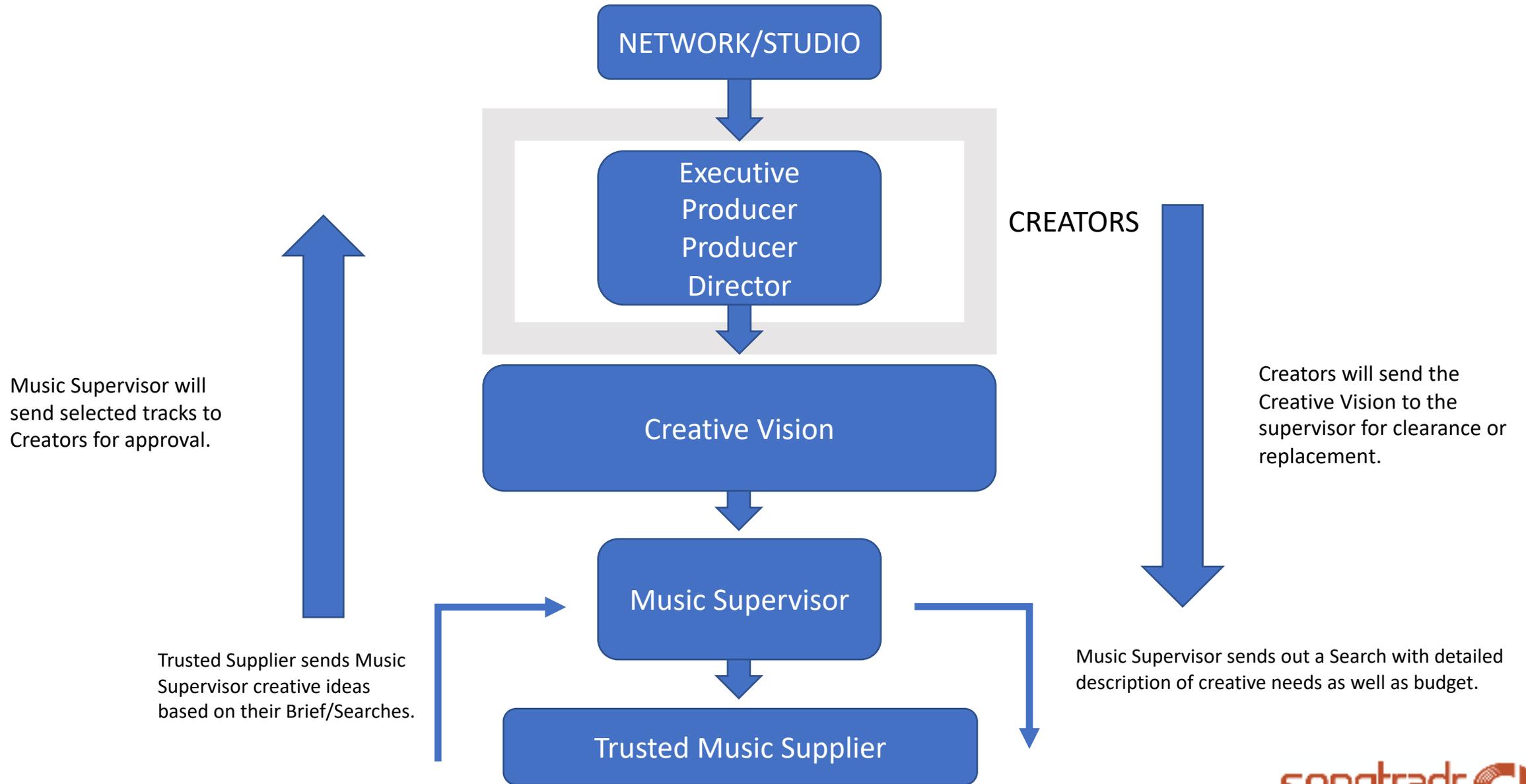
What is the role of a Music Supervisor?

The Music Supervisor acts as a representative between the music supplier and the client/Creatives (Broadcast networks, Executive Producers, Producers & Directors). Once the creatives choose a song, the Supervisor has two jobs based on budget: clear the songs chosen or replace the songs with similar feel/tempo/lyrical message for a more affordable price.

How does a Music Supervisor clear a song?

A Music Supervisor works with several trusted sources to either replace a track(s) or clear the rights for Synchronization. The rights holders and the Music Supervisors will work on a pre-negotiated fee to clear the Master and the Publishing of that song to license it for the project on which they are working.

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Components of Music Supervision | Music Licensing

Components of Music Supervision | Music Licensing

How does a Supervisor work creatively with the Creators and Music Houses?

- The way a Music Supervisor typically work is by first getting a copy of the visual media script to understand the direction the show creators want to go musically.
- When the scene has a “scripted” song, that means the supervisor will have to clear the song directly with the Rights Holder’s Label and Publisher. In this case, the film will have the budget to pay for the track they have chosen.
- In the event the music budget does not allow for clearance of the scripted song, the supervisor will likely have to find an alternative that will cost less.

Components of Music Supervision | Music Licensing

How does a Supervisor work creatively with the Creators and Music Houses?

- The Music Supervisor then proposes other songs to the director or producer of the visual media they are working on. Examples of visual media are: film, advertisement, television show, trailer, promo, video game, or any other form of visual media.
- Once the Producer/Director closes one of the songs pre-selected by the music supervisor, the next step is to clear the copyright. The Music Supervisor will send the rights holder a document called QUOTE REQUEST. This document will allow the Right's Holder to accept/decline the proposed budget offered by production for the use of the song in question for synchronization. The Quote Request is also a document signed by the Rights Holder to confirm ownership of the song. Once the song is mixed in and the scene is confirmed, the supervisor will send a document called: License Request to confirm usage on the synchronization.



How does music impact the visual?

How does Music Impact the Visual | A Music Supervisor's Job



“Music brings emotion to the screen.”
“Music completes the picture.”

How does Music Impact the Visual | A Music Supervisor's Job



Anthology | Gravity

Manage Music Budget

Manage Music Budget | The Trajectory

What is the “Music Budget on a Film/TV show?”

- When putting together the budget of a film/TV or any visual media, a percentage of the budget must be set aside for clearance. The Music Budget should be around 10 – 15%. When it comes to the overall music budget, its paramount to consider if the visual media will focus on major copyrights, independent artists, a mix of both or original composition. If the project is a major production where majority of the budget will be spent on special effects, then the overall music budget could go down to as little as 2 or 3%.
- “Options” are a great way to reduce the initial spend power in the case the visual media does not get the expected Return On Investment (ROI). Options may come at a higher cost if the Visual Media is successful instead of acquiring a full license for Worldwide. In conclusion, if you are not sure a Worldwide license is needed and your budget doesn't allow for it, then an “option” is the best solution to avoid paying for more than what you need.



Manage Music Budget | The Trajectory

What is the “Music Budget on a Film/TV show?”

- At a glance, 10 – 15% could be considered high, but having a contingency budget could help solve potential problems in the future when clearing copyrights.
- Small budget films and productions may achieve a full distribution deal and as part of the distribution deal, further music cost should be factored in. Its important to note that in the USA, there are **NO** theatrical royalties, so the music rights holders will not get an additional fee when a film plays in the cinema.



Manage Music Budget | The Trajectory

- The buying industry has found quite a few ways to work with well-known copyrights and yet stay within reasonable budgets (at times). Since the commercials are usually between 15 and 30 seconds with a limited media, COVERS are an exciting solution to clearing an affordable and relatively easy to clear master leaving only the publishing to dissect. You would always have to pay the publisher for the rights to the composition but recreating the recording, especially in the case of well-known songs, could easily be cheaper than paying the record company for the master rights.
- Other ways to cut cost is by working with catalogs that can offer a blanket license where there's no significant upfront fee for music use.
- The best process is to avoid locking scenes to specific pieces of music as much as possible until the track is clearable within the budget allocated, therefore ensuring the visual media does not go over budget.
- There are instances where a track may come back at a higher cost than anticipated, and that can be due to several publishers involved evoking the MFN (Most Favorable Nation) clause.

Manage Music Budget | The Trajectory

Option Language Example: Quote Request

On behalf of (Production Company name), I am interested in obtaining a synchronization quote for use of the musical composition entitled “(enter song name)” (“Composition”) in connection with the (enter production name) currently referred to as “(Name of the media visual)” (“Project”).

- Synopsis: Description of the media visual.
- Territory: Universe
- Term: Perpetuity
- Usage:
- Scene:
- Admin Share Master: _____%
- Admin Share Publishing: _____%
- Media: All media now known and hereafter devised and including in context advertisements, publicity and promotion, excluding theatrical, on a full buyout basis.
- License Fee: \$ _____ (based on 100%)
- Out of Context
- Option: \$ _____ (based on 100%) (for all media advertising, publicity and promotion now known and hereafter devised)

Music Clearance

Music Clearance & Licensing

- Who Owns What?



The Master Recording is usually owned by the Label or whoever is paying for the creating of the Sound Recording.

- Who Gets Paid and How?

1. Master Recording Sync Fee (collected by the master owner, typically a record label)
2. Publishing Sync Fee (collected by the song owner, typically a music publisher)
3. Performance Royalties (collected by the songwriter and song publisher)

- Types of Clearance:

1. 100% all-in
2. Public Domain
3. Major Songs
4. Covers

Licensing Explained

Licensing Explained

What is a Synchronization License:

A synchronization license, or a sync license, is a document that grants the licensee the right to use a song on a VISUAL. The Licensor, also known as the owner or composer of a particular piece of work, allows his audio to be synched on the visual. The license allows the licensee or purchaser, the right to use the music in a visual piece, such as a movie, video game or commercial.

What is a Mechanical License:

“ A mechanical license grants the rights to reproduce and distribute copyrighted musical compositions (songs) on CDs, records, tapes, ringtones, permanent digital downloads, interactive streams and other digital configurations supporting various business models, including locker-based music services and bundled music offerings. If you want to record and distribute a song that you don't own or control, or if your business requires the distribution of music that was written by others, you need to obtain a mechanical license. ” Harry Fox Agency

Licensing Explained

What is a Compulsory License?

“If a composition has already been commercially recorded and released to the general public, and you wish to record and distribute that composition yourself (and you are not the original songwriter), you must obtain a compulsory mechanical license. The requirements of the compulsory mechanical license are outlined in Section 115 of the 1976 U.S. Copyright Act.”

What is Copyright?

As per Harry Fox Agency (HFA), the [U.S. Library of Congress](#) defines copyright a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

1. To reproduce the work in copies or phonorecords;
2. To prepare derivative works based upon the work;
3. To distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
4. To perform the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;
5. To display the copyrighted work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work;
6. In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.
7. If you would like more detailed information about copyrights, the link above to the [U.S. Copyright Office](#) provides general information on copyright basics, copyright application forms and other copyright-related resources.

Licensing Explained

- Parts of a License Explained:

Term: The term of a license is meant to limit use of the song. The term can go from 1 day to 10 years, to perpetuity. There are standardized for all different media types, but its all negotiable.

Territory: Territory specifies the territory the song is allowed to be used/broadcast. For example, the use territory can be specifically for USA only. Some requests are for the world, while others are very specific to states.

Media: Media means the type of usage. Could be a Film, a TV show, a commercial, etc. When considering a commercial for TV only or online. For a commercial, the Media can be very specific to locations only such as stores, restaurants etc.

Music Supervisor x Music Coordinator

Music Supervisor x Music Coordinator

- Music coordinators work closely with the creators, also known as the music editors, composers, and music supervisors to create and deliver cue sheets, ensuring that the film's music royalties are reported to the PRO's with as much accuracy as possible. Coordinators also help the music supervisor negotiate and clear the rights for the songs for the visual media through whatever license is needed for the specific project. There are cases, due to budget constraints, in which a music supervisor will perform the duties for the coordinator as well.
- In Live-performance shows, the music coordinators will work closely with the theater companies, dance companies, churches, and schools to provide assistance with budgeting, hiring, contracting, licensing, and music direction. Licensing will depend on whether the production will choose to create their own original compositions or use recognizable songs. In both live performance and film/TV, music coordinators sometimes work with (or as) music contractors in hiring and contracting musicians for a session or performance.

Who are Music Editors?

Who are Music Composers?

Who are Music Contractors?

Case Studies

Thank You