



PITCHING YOUR SONGS – A MUSIC PUBLISHER'S PERSPECTIVE

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In a perfect world the task of marketing your hit song would go according to the script of a large number of reference books currently available in Australia to help a songwriter convert his or her artistic talent into dollars in the bank.

The world, and the current state of the domestic and foreign music industry, is far from perfect, and the process of pitching your songs to music publishers has become a complex and, more often than not, unrewarding process.

Songwriters generally fall into three (3) categories:

- a) songwriter who exclusively writes songs for others to perform
- b) singer/songwriter who writes exclusively for his/her/their own performance
- c) singer/songwriter who, in the first part, writes for his/her/their own performance and, in the second part, also writes songs for others to perform.

The singer/songwriter:

Let's set aside categories (a) and (c) for a moment and focus our attention solely upon singer/songwriters who write exclusively for his/her/their own performance. A singer/songwriter ideally needs a full service career development deal from a mentor (usually a major record label) which deal will also include exclusive music publishing covenants. Indeed negotiating a stand-alone publishing contract with an independent music publisher has been known to close the door upon subsequent career development negotiations with labels who usually demand 100% of a singer/songwriter's intellectual property rights.

Alas, the type of development deal that you require is offered only to those whose talent and style is so obvious and overwhelming that he/she/they simply cannot be ignored - yet more often than not - in the last decade Australians with both style and substance have had to travel overseas to be "discovered" and signed to a full service career development deal.

The bottom line is that singer/songwriters who write exclusively for his/her/their own performance are advised to:

- a) concentrate their energies upon the pursuit of a comprehensive career development deal; and
- b) there is anecdotal evidence that some singer/songwriters with obvious and overwhelming talent and style fast-track their journey towards a major label recording and publishing deal through the following strategies:
 - creating their own record label and music publishing company;
 - paying their dues through generating and maintaining product sales and fan base momentum through creating their own deal;
 - manufacturing and marketing their talent within either a semi-professional or professional real time environment and Internet presence;
 - achieving positive public attention through slick product launches, clever use of the media, and a clear marketing focus at every public performance venue, in-store appearances, etc.
- c) think twice about getting side-tracked channelling valuable time and energy into the pursuit of a music publishing deal with an independent music publisher.

Category 'a' and 'c' songwriters:

Before you pick up the telephone or put your CD into the mail to any music publisher, it is essential that you take the time to research the full range of business aspects of the music industry. Consult the valuable reference library of your local State branch of APRA. Front up and ask to have a geek at:

- Jeffrey Fisher's book "Ruthless Self-Promotion In The Music Industry" or
- Diane Sword's "How To Make & Sell Your Own Recording" or
- Shane Simpson's & Colin Seeger's "Music Business".

If your local APRA office gives you a blank look, lobby your local APRA representatives for access to reference library material.

You always have the option of purchasing the required reference books. In circumstances where your current budget won't stretch to cover (say) \$300 to acquire the bare minimum reference library that (in our estimation) you may require in the first instance, consider a co-operation deal with other songwriters within your network, each purchasing one reference book, and swapping books amongst yourselves.

Use the extraordinary songwriter resources available to every writer by way of the Internet. For any without Internet access in the home, check out your nearest public library. It is our observation that no serious songwriter can afford to be without Internet access and e-mail resources.

It is indeed a rare occurrence that a music publisher anywhere in the western world will invest time and money into helping a songwriter turn a hobby into a career. Therefore you have to do the hard yakka for yourself and find out:

- the difference between a Single Song Assignment Contract and a Term Publishing Agreement and/or Exclusive Songwriter Term Contract;
 - what is the current commercial royalty percentage split between a publisher and writer;
 - how a retention clause functions in a publishing contract; and
 - the value of negotiating in respect of a fixed publishing term rather than a 'life of copyright' covenant.
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Few music publishers accept unsolicited material, meaning that one's CD or cassette demo will normally be "return-to-sender" by a publisher, unopened, when a writer fails to heed the simple step of first making contact with a publisher, "selling" the potential value of your hit song or hit songs, and that it'd be that publisher's worst nightmare if he/she/they passed on this golden opportunity to represent next month's "Sure-fire No.1 hit song on the Triple J chart" (or whatever time period and hit chart you care to name). The bottom line is that you must obtain a clear-cut invitation from a publisher to submit your CD or cassette or DAT demo. Unless you receive an invitation from a publisher by telephone, in writing by fax or post, or via e-mail, do not submit your 'unsolicited' demo material.

Never submit your songs without a covering letter, and do not send a circular letter "To whom it may concern" or "Dear Publisher". First impressions are lasting impressions, and it is essential that you take the time to type (no hand-written letter please) a business letter. Address it directly to the person who invited you to send your songs and make sure that it tells a publisher the basic things he/she needs to know:

a) that you are you a member of APRA and that each of your songs submitted for review is already registered with APRA;

b) that you are registered for GST and have an ABN number, or that it would be your intention to provide an executed ATO 'Statement by a Supplier' certificate that exempts the prospective publisher from deducting 48.5% withholding tax from future songwriter royalties pursuant to the current GST legislation;

c) that you have made an effort to research the commercial or business end of the music industry, and that you are confident about your ability to conduct a due diligence on any publishing offer's legal covenants for the representation and exploitation of one's intellectual property that may arise from your approach to this publisher;

d) that you have determined what category of songwriter you are - see 'a', 'b' and 'c' songwriter types under the "Songwriters generally fall into three (3) categories" preamble (above).

e) that you have extraordinary initiative by making mention of the song pitching leads reports or tip sheets (eg Asia-Pacific SongLeads, The Music Report, CueSheet, SongLink International, Songs Wanted, RowFax 'Cutting Edge', and / or Taxi (the songwriter promotion entity in LA) to which you currently subscribe, and other means you may have or be currently employing to get your songs out into the commercial marketplace.

Attached to your covering letter will be:

a) your biography - preferably condensed into a maximum 2 x A4 pages

b) lyric sheets for each of the songs submitted for review. Printed immediately adjacent to or beneath each song title must appear the copyright symbol followed by the names of all songwriters with intellectual property rights in the recorded works (pursuant to The Australian Copyright Act 1968) eg "Peace Of Mind" (© 1986 Aaron Barker & Dean Dillon).

Pay special attention to ensuring that your CD or cassette or DAT demo also complies with the Australian Copyright Act 1968 in respect of songwriter credits on both the CD glass and packaging material, or both cassette / DAT product and packaging.

We currently receive anything from 25 to 60 demo submissions per week, and it is frightening to see the number of songwriters who fail to observe these relatively simple requirements of the Act to protect their intellectual property rights.

(c) always have the common sense to include a stamped addressed package or envelope appropriate for the return of your submitted product, bio and lyric sheets, or at least supply the appropriate value in postage stamps (current minimum is \$2.75). In circumstances where we currently proceed to negotiate publisher representation on approximately 5% of the demo material we review, that leaves a large quantity of material being returned with our considered review assessments.

It is our current practice to set aside time to conduct just two review sessions per month, and subject to time constraints, it is rare event indeed that we ever clear the queue of material awaiting review in any session. The bottom line is a need for patience once your demo material has been despatched, when the turnaround between product receipt and review despatch may be anything from 4 weeks to 4 months.

This contribution is intended to be an "overview" or executive summary of those points currently to the fore as we look across at today's incoming mail and see more than half of the demos submitted have neither covering letter nor lyric sheets, and as we field yet another telephone call: "I sent you my CD last Tuesday, and I've not heard anything back from you yet. What's goin' on, eh?"