

Austin Music Foundation x SoundSync Music Present:

**Time to
Pivot:**

Sync Licensing Workshop

**R
S
V
P** | **Sept 23**
6pm
via Zoom

hosted by **Nathalie Phan**,
founder of SoundSync Music



Cultural Arts
CITY OF AUSTIN
ECONOMIC
DEVELOPMENT

Pitching, Licensing & Composing for Film & TV

Speaker

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Sync Education Process

1

Copyright: Know Your Rights

How do you license your rights if you don't know them?

2

Basics of Music Supervision

Familiarize yourself with the world of Music Supervision including the basics of a synch agreement.

3

Composing Songs for Synch

What kinds of songs work well for synch and how do you compose songs for synch?

4

Learn Metadata Standards

How do you organize your metadata before you approach music supervisors?

5

Pitch to Music Supervisors

What does the "Perfect Pitch" look like?

START HERE:

U.S. Copyright Office's

UNCLAIMED

ROYALTIES STUDY

Glossary of Music Terms &

Acronyms



What you'll learn:

- Basic roles of a music supervisor, what a synch license is, and what your basic rights are as the owner/creator of an original work
- Two sides of synch
- The answers to some Frequently Asked Questions
- **How to pitch to a music supervisor (and things not to do)!!!**
- Basic composition techniques in film & TV

“I have seen music screw
up more motion pictures
than bad directors.”

Donald Passman, Author

*All You Need To Know About the
Music Business, 9th ed.*

What is synch licensing?

Any time a song is united with a visual component (film, TV, commercials, or video games), you must secure a **synch license** and a master license.

The person responsible for coordinating and licensing the songs in a production is called a **Music Supervisor**.

What does a Music Supervisor do?

The Music Supervisor often has the most difficult job in the music industry.

A Music Supervisor must be able to **work with the director to select songs** for a project with a set **budget**, license **both sides** of the music, replace any **temp tracks** that cannot be licensed due to budget or rights limitations, work within **tight deadlines**, and complete **cue sheets** that are sent to Performing Rights Organizations such as ASCAP, BMI, and SESAC.

6 Exclusive Rights of Copyright Ownership

- The right to **reproduce and make copies** of an original work;
- The right to **prepare derivative works** based on the original work;
- The right to **distribute copies** to the public by sale or another form of transfer, such as rental or lending;
- The right to **publicly perform** the work;
- The right to **publicly display** the work, and
- The right to **perform sound recordings publicly through digital audio transmission.**

Unrelated to Sync: Neighboring Rights

- Neighboring rights apply to **performing artists** and are public performance royalties due to the sound recording copyright holder
- “**Neighboring rights**” for performers essentially “sit next to” the performance right for songwriters
- U.S. did not attend the [Rome Convention](#) in 1961 so the country does not currently recognize neighboring rights
- Since the U.S. doesn’t pay out public performance royalties related to terrestrial broadcast to foreign artists (or their own domestic artists), other countries also don’t recognize neighboring rights for U.S. artists
- “[Fair Play, Fair Pay](#)” Act was introduced to the House in 2017 but it’s an uphill battle



**Like a coin,
every song
has two sides.**

Master Recording:

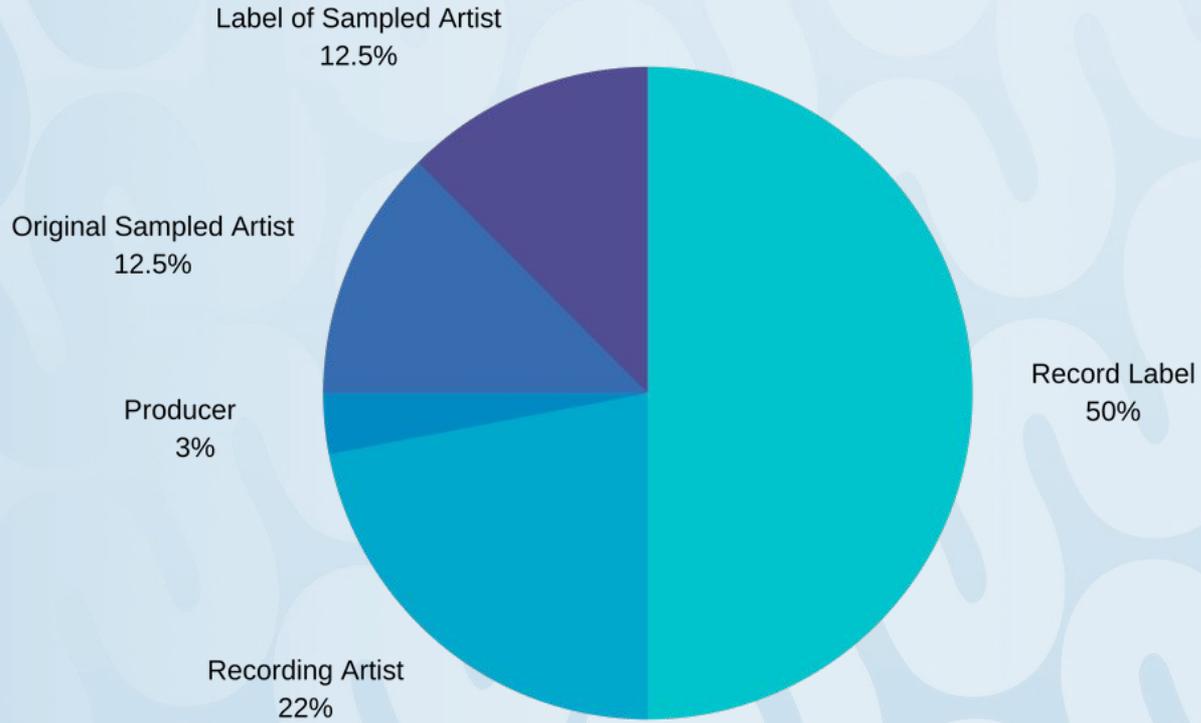
- Recording artists
- Record labels
- Record producers
- Label or artists that own sampled recording
- Label which releases the soundtrack

Composition:

- Songwriters
- Each songwriter's publisher
- Performing Rights Organizations (PROs)
- Songwriters of sampled recordings and their publishers

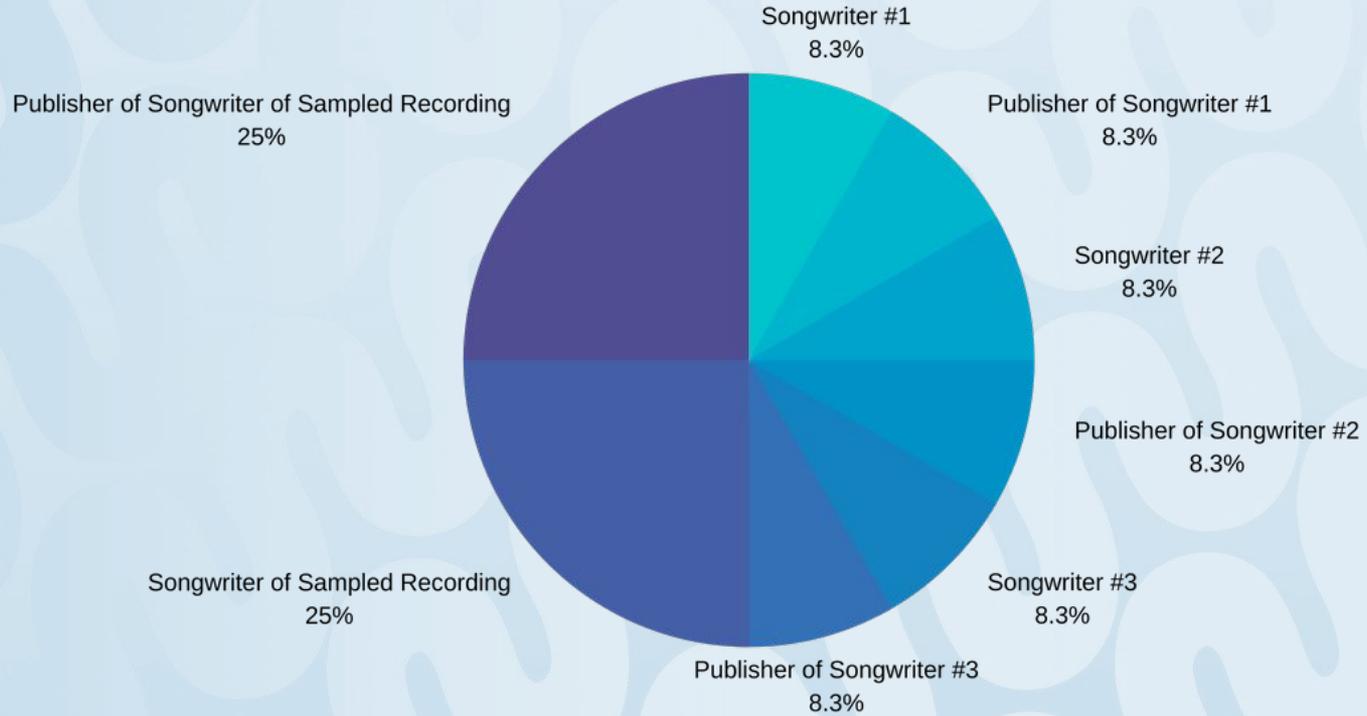


Master Recording





Synch



Questions?

Do I need to copyright my music?

Probably, if you want to best protect yourself.

Even if you do not register your songs, you are granted ownership of an original work upon the tangible creation of the original work (composition can be written, not just recorded).

However, [as of 2019](#), you cannot litigate copyright infringement unless you have your original work registered with the U.S. Copyright Office.

Do I need permission to cover a song?

Yes, you need rights to the composition, but not the master.

If you are performing a song live, you can report your performance of the song to your PRO through ASCAP Onstage or BMI Live so that they may pay the songwriters of the music. (You can report your own music for \$ too)

If you are recording the song to distribute online (even if it's just on YouTube) or other forms of media (i.e. film, tv), you must receive permission from the song's rights holders (usually original songwriters and publishers).

Why is it important to register my music with a PRO?

Performance Rights Organizations are the folks who payout public performance royalties to publishers and songwriters for use in TV & Film. The PROs collect this information via cue sheets usually submitted by music supes or production companies. If you don't have your songs registered, they won't be able to pay you.

What is a “public performance”?

For the sake of this conversation, a **public performance** is not only when a composition is performed live but when music is publicly broadcast as part of a TV show, film, or placed in a video game or advertisement. It also includes mechanical royalties for when your song is streams on Spotify or another streaming service.

This is important because, as a songwriter, you may receive royalties for “public performances” through your PRO.

Are there PROs to choose from outside of the big four (ASCAP, BMI, SESAC & GMR)?

Yes, there are a ton.

For independent musicians, Alltrack Performing Rights is a tech-driven and more transparent and reliable PRO.



ALLTRACK
Performing Rights

What's the difference between a licensing rep/agent and a publisher?

There are two main differences:

1. Reps will not usually pay an advance to artists.
2. Reps are usually limited to individual tracks or songs to pitch while publishing agreements usually cover any song you write during the term of the agreement.

Should I sign an exclusive or non-exclusive agreement?

There are pros and cons for each:

1. Exclusivity bars you and any other third-party from pitching the songs you have agreed to let your rep license.
2. However, many music supervisors prefer to work directly with agents that have exclusive contracts with their songwriters.
3. Signing an exclusive deal with a rep may motivate them to shop your music.

What's the difference between a Work-for-Hire contract and a non-exclusive agreement?

When you sign a **work-for-hire agreement**, you give ownership of the copyright of your work to the agency, label, publisher, company, band or individual that hired you and therefore you are not able to earn royalties for the public performance of those works.

If you are signing a WFH agreement with a band as a studio musician, it gets *iffy*... read [this](#). In 1995, Congress passed a statutory rate that is paid to “non-featured performers” aka studio musicians for the performance of the recordings on digital radio paid through 5% of SoundExchange earnings. The organization that handles this is **The AFM & SAG-AFTRA Intellectual Property Rights Distribution Fund**.

In a non-exclusive agreement with a sync agency, you are usually able to retain full ownership of the copyright which are generally better terms for artists.

What kind of income can I earn from a placement?

There are many streams of income for song placements:

1. Sync fee earned by the songwriters and publishers
2. Master use fee earned by the owner(s) of the master recording
3. Public performance royalties earned by the songwriters and publishers
4. Film credit (which may earn you more placements in the future)
5. Mechanical royalties from streaming (a side effect of placements)

Can unreleased songs be considered for synch?

Even if a song is not released on a major distribution platform such as Spotify or Apple Music, it can still be considered for synch.

I like to advise artists to build a library of unreleased music and music samples so that they can easily draw from it if they need to make a song on the fly or if they receive a brief and would like to submit relevant music for consideration in a timely manner.

Can covers be considered for synch?

Absolutely. But you would likely have to surrender the publishing of the song to the original songwriters.

Sometimes, if a supervisor wants to place a familiar song but doesn't have a large enough budget to license both sides, they may opt to try to find a cover so that the master may be a little cheaper than licensing the master of the original.

Music licensing:

80% admin work

20% creative work



The lingo.



“MFN”

Most Favored Nation.

- States that if a better offer is given to another party, the music supervisor will have to come back and give you the same or better terms.

All Media “NKHD”

All media now known or hereafter devised.

- A term created to account for usage in “new media” that is created after a contract is made.

The lingo.

“WW”

Worldwide.

- This term secures global rights to your music for use in a film or TV show.

“In Perp”

In perpetuity.

- Basically means “forever” or without any end to the term of the agreement.

“One-stop” or “200%”

- Means “all rights are cleared” prior.





Terms or Duration.

Film, TV & Games

Generally for the “life of the copyright” though there are exceptions and *everything* is negotiable.

Commercials

Typically an initial term of one year. Often with the option for the company to renew for another equal term upon payment of an additional licensing fee. This is usually the same as the original term, although you can try to negotiate for a higher fee. For instance, 125% of the original fee.

Use in Media.



Theatrical Rights

Generally, movie makers will want to exploit your music for the term of 1 year within festivals. Sometimes, that also includes an option to exploit the movie, including your music, in all media (“broad rights”).

TV Rights

Generally, the network or cable service will want all media rights. That’s because a TV show can be recycled in any number of platforms, including streaming, downloading, home video, etc.

Use in Media.



Commercial Rights

Typically limited to TV and Internet. But the songwriter/artist/producer can try to secure an additional fee use of the commercial on radio.

Game Rights

Generally all media now or hereinafter developed.

Territory.



Theatrical Films & Games

Typically ww.

Television

Usually limited to national/domestic use although artists may negotiate an additional fee for foreign use.

Commercials

Depends on the intended audience. This may be limited to local, multiple U.S. markets, national or ww.

Average synch fees per side.

Independent Film Usage:



Since indie films have smaller budgets, the terms of licensing a song can get creative.

- **Festival usage (usually limited to the term of 1 year, WW):** \$500-\$5k/side
- **Preset fees:** \$2,500-\$7,500/side if the film makes it to theatrical release
- **Step deals:** a series of preset fees for listed “steps” which may include the film being released on television, DVD release, on-demand streaming, etc.
- **Kickers:** amount paid for each level of ww box office gross; may or may not have a maximum of X times the original fee

*Figures may vary; this information came from Donald Passman's
“All You Need to Know About the Music Business”*

Average synch fees per side.

*Figures may vary; this information came from Donald Passman's
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Television:

Most song deals in television are ww, in perp, and include all media NKHD (ex theatrical).

- Usually \$5k-\$50k/side, but can be less for artists of less stature in exchange for “exposure”
- Out-of-context ad/promo uses are usually \$1.5k-\$5k/side per week of use, payable for as long as the promotion runs
- Repurposed online use can be negotiated as \$X for every 500,000 views; sometimes, there is a revenue share of 15%-50% of gross earnings depending on usage and stature of the song

Average synch fees per side.

Commercials:

The big money.

- Can be as low as \$50k/side to as high as above \$1m depending on the stature of the song for a 1 year term limited to the United States
- Repurposing an advertisement for commercial use could pay an additional flat fee or 15%-50% of revenue depending on the usage and stature of the song



*Figures may vary; this information came from Donald Passman's
"All You Need to Know About the Music Business"*

Average synch fees per side.

Video Games:

Usually no royalties, just a flat fee.

- Normally around \$5k-\$10k all-in but can be as high as \$50k all-in for a major hit
- For use in a commercial for the video game, fee can be an additional \$10k-\$100k per side, depending on the extent of usage, how widely the commercial is shown, and importance of the song



*Figures may vary; this information came from Donald Passman's
"All You Need to Know About the Music Business"*

Pitching to **Music Supervisors**





What NOT to do.

- Never use attachments. Always link to your music instead.
- Never spam them with follow up emails. Know when and how often to follow up.
- Never use samples or cover music you haven't cleared.
- Don't pitch to them if they don't want to be pitched to.



Research. Research. Research.

- Get on [Twitter](#)
- Personalize your message.
- Use IMDb Pro to find contact information (but be sure you are not contacting their agent).
- Find out what shows supervisors are currently working on (but understand it may not be up-to-date).
- Make sure the shows have not ended or are not cancelled.



**Research.
Research.
Research.**

- Use [Tunefind.com](https://www.tunefind.com) to understand what music is already working for the show.
- Get involved with the **Guild of Music Supervisors** (they have a great directory!) and attend industry conferences like the Guild of Music Supervisor Conference or SyncSummit.



Metadata & organization is key.

- Music supervisors often are high-stress people. Make their job easy for them.
- Make sure your metadata is airtight. Licensing is not a field you can participate in if you do not have attn to detail skills.
- Use tools like **Airtable** or **Disco** to manage your metadata and music catalogue.



Metadata & organization is key.

- Organize your catalogue so that songs are easy to search for
- Include keywords to help music supervisors search for your music.
- Include lyrics and genre.
- Include lyrical themes and moods.
- Include all basic information such as:
 - Contact information
 - Songwriters, PRO affiliations, publishers and IPI #s
 - Title and Artist of the song



One-Stop & Non-Union.

- To get a better chance for a response, make sure to indicate “one-stop” and “non-union” in your email subject lines (if, of course, it is true).
- Many music supervisors prefer non-union artists because union fees are likely high for synch.



Consider getting an agent.

- If you're a composer (strictly for film and TV), you can find an agent to represent you and find you work.
- If you're in a band, you can find a publisher or a licensing representative to pitch & plug your music.

Rule of thumb:

**5-10% of a film or TV budget
should be dedicated to
music licensing.***

* This number can be as high as 20% if the project has a smaller budget.

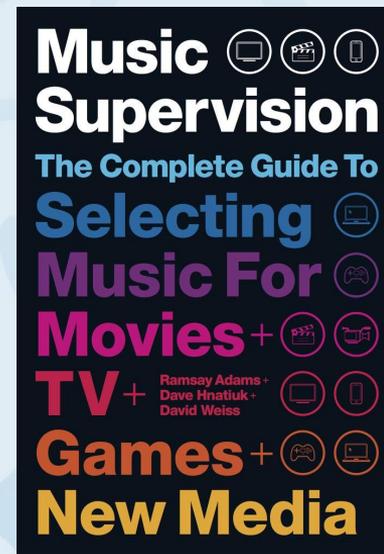
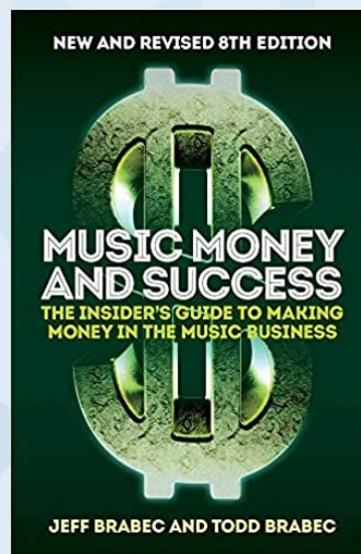
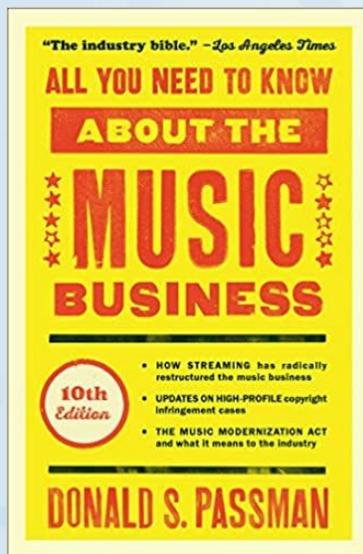
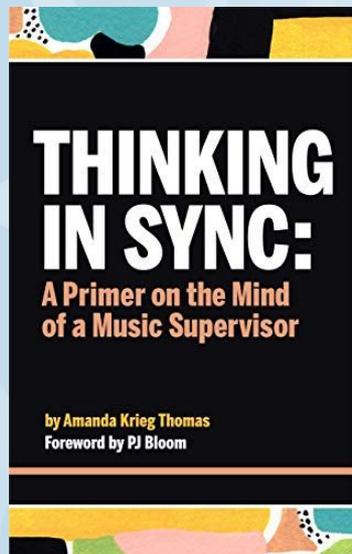
Licensing Resources

- [Cue Sheets](#)
- [Music Licensing Guide 101](#) (via Austin Music Foundation)
- [Pitching to Music Supervisors](#)
- [Explaining One-Stop Clearances](#)
- [Metadata Standards](#)
- [Apple Music Style Guide](#)

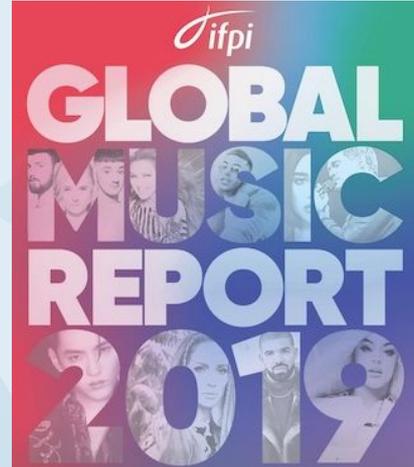
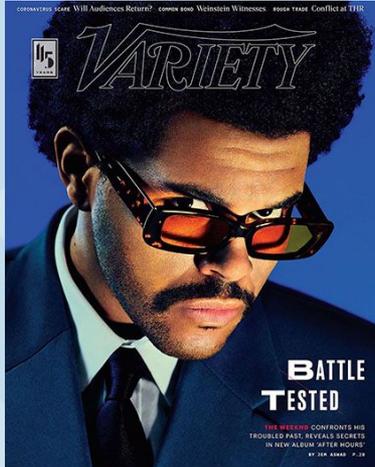
Interesting Articles

- [“With Shows Breaking New Artists, Music Supervisors Are The New A&R”](#) - NPR
- [“So You Want To Be A Music Supervisor”](#) by Amanda Krieg Thomas
- [“Post-Covid-19 Opportunities for the Sync Sector”](#) - Synchtank Blog

Recommended Reading



Industry News & Reports



Other Resources



MUSIC
CONNECTION



Synchtank®



IMDb

Composing

Basic Techniques



Tips on how to produce a “synchable” song

Below are some elements that *most* (but not ALL) agencies and music supervisors look for:

- **Lyrics must be broad** enough to apply to multiple scenarios; keep it conceptual
- Romantic love songs often don’t do well for synch because they are **too narrow in theme**
 - The category of “romantic love songs” includes songs about **unrequited love** and **breakups**
 - If you write a love song, consider writing about a general type of love that can be more broadly applied to briefs about the love of family, friends, or other things
- **Keep it clean** -- explicit songs are difficult to synch
- Don’t use **samples** -- just don’t
- A **strong hook** is the key to a great song

Themes & Motifs

- Repeated pieces of music that are used to symbolize the relationships between two or more characters in motion pictures



Elemental vs. Diegetic Sound

- Elemental Sound is music or sound that does not originate from the film's world
- Diegetic Sound can be on- or off-screen but comes from a source within the picture



Layering instruments

- Layering instruments can be a great way to build tension
- Abrupt stops/pauses or adding silence in music can add weight to a character's dialogue



Musical Texture: Low & High

- Low sounds are perceived by the human mind as big & scary
- High sounds are perceived by the human mind as small & delicate
- Combining the two creates cognitive dissonance and tension



Musical Texture: Thick & Thin

- Layering instruments and melodies can create thickness in musical textures
- To build towards climax and add tension, set up thinly textured music and build on it and make it thicker



Musical Texture: Contrapuntal Music

- The use of **Contrapuntal Music** in film often involves using polyphonic music in contrast with moving images to create “**Dialectical Unity**”
- While **homophonic music** supports a film’s narrative, **polyphonic music** contrasts with the images to create a higher meaning

Harmonic Shapes

Monophony



Homophony



Heterophony



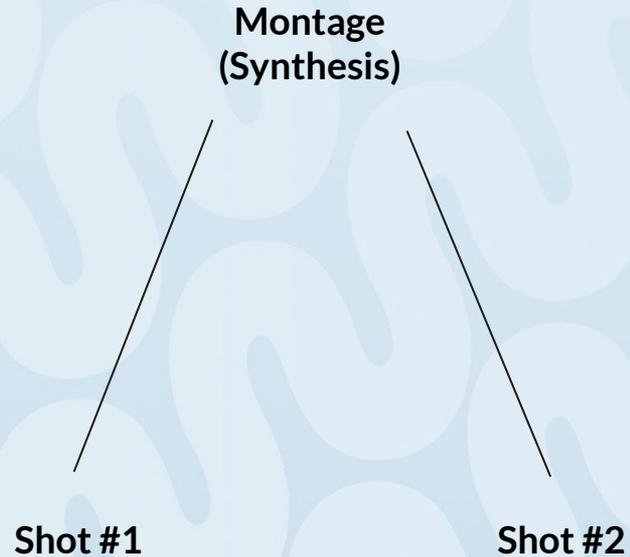
Polyphony



Musical Texture: Contrapuntal Music

In film, there's a similar technique called **montage** where two images are combined to create a *higher meaning*

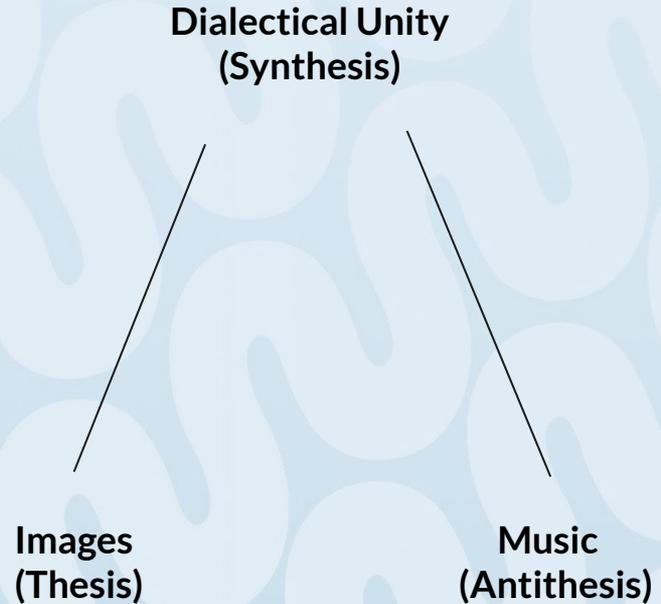
→ Sergei Eisenstein is the “Father of Montage”



Musical Texture: Contrapuntal Music

When applying this concept in composing music for a film, you would combine music and images to create **dialectical unity**.

→ Zofia Lissa, a Polish musicologist, coined the term “**Dialectical Unity**”





Musical Texture: Dialectical Unity

- Example #1
- What happens when **Star Wars** meets **James Blake**
- It changes the entire story.





Musical Texture: Dialectical Unity

- Example #2
- How do you replace a song and maintain a similar emotion?
- **Lion King meets La La Land**





Musical Texture: Dialectical Unity

- Example #3
- How can music change the characters and context in a film?
- ET meets Death Grips



Music is a powerful storytelling device.

- Story Arch
- Themes
- Incidental/Elemental Music vs. Source/Diegetic Sound
- Foley Sounds
- Cognitive Dissonance Builds Tension
- Composing Music for Film
- Low Sounds vs. High Sounds
- Musical Texture and how it's used in film

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VANITY FAIR

STRANGER
THINGS

