

# PUBLISHING DEAL DECISION GUIDE

## MUSIC PUBLISHING DEALS ARE COMPLEX AGREEMENTS.

Anyone with limited knowledge of the business (and even those with plenty of experience) can be misled by complicated contracts and terminology. Don't sign away your song ownership without understanding the implications!

Make sure you understand all the types of royalties your songs can earn and key differences between the most common types of publishing deals.

PROS	CONS
<b>Administration Agreement</b>	
Keep 100% ownership	No creative services
Flexible terms	Advances not always available
Choose which songs to register	
<b>Traditional Publishing Deals</b>	
Offer creative and sync opportunities	Give Up 25% - 50% of your copyright
Advances available	Locked into a fixed term, usually 3+ years
	Generally required to register all your songs
<b>Work-for-Hire</b>	
Get paid immediately	Forfeit all your rights to your work
Meet / work with established collaborators	Not entitled to any publishing royalties
	Your work can be used however they'd like without your consent
<b>Creating Your Own Publishing Company</b>	
You keep all your publishing royalties	Requires hands on work to administer all works
Not prohibited from signing future publishing deals	The workload can infringe on creative time
Protect your personal assets	Can be very costly

The following checklist includes other considerations and questions you should ask a potential publishing partner. We strongly recommend consulting an attorney before signing any legal documents.

## ☐ Accounting

- How often do they account and pay you, and do you have access to a dashboard or other “real-time” royalty accrual reporting?
- Do they offer advances, and how much of your royalties do they withhold until you’re recouped (most often it’s 100%)? Do you have any obligations to them if you don’t recoup by the end of the term?

## ☐ Administration

- What sources do they collect from directly, and where do they use sub-publishers?
- Do they handle YouTube claiming on your behalf?

## ☐ Catalog

- Do they require you to register your entire back catalog as well as new works going forward, or can you select which works to register?
- What is the status of new works you create during the term?

## ☐ Communication

- What does communication look like after you sign your deal - do they have a support team, and what are their hours?
- Does the company offer any educational content or career-development resources?

## ☐ Community

- Does the publisher host or share in-person or online events for their clients to attend?
- Do they provide opportunities for artists to connect with industry professionals and/or other music creators?

## ☐ Copyright

- Does the publisher have a minimum payout amount?
- What percentage of your copyright will the publisher retain?
- Does the publisher retain this share in perpetuity, or is there a time limit? Either way, are there avenues by which you could regain ownership?

## ☐ Creative/Sync

- Do they offer creative services such as pitching your song to performing artists, arranging co-writing sessions, or finding sync placements?
- Are you able to restrict uses of your works that you might not be comfortable with, such as in political ads?

## ☐ Deal Length

- How long is the deal term?
- If your agreement includes an advance, does your deal term extend until recoupment?

- Is early termination possible, and what penalties do you incur if you terminate early?
- Does the agreement include post-term collections, and how long is that period?

## ☐ Fees

- Are there any upfront fees involved?
- Are there additional fees/costs for things like copyright registration, sync samplers, etc., and do you have approval over these expenditures?
- What percentage of your royalties does the publisher take for their services?
- What additional fees out of your royalty share, if any, go to third-party service providers like sub-publishers or local agents?

## ☐ Technology

- How does the process for registering new songs work? Is it automatic (e.g. via a dashboard where you enter information or import files) or does it require working directly with someone on staff?
- Will you have direct online access to your royalty reports or will you have to request these each time?