

The Music Law Guy Cheat Sheets Volume 1

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Things You Must Do as an Indie Artist

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Work For Hire / Assignment Agreements

01

WHAT IT IS: Copyright Law states there are two ways you can properly acquire the rights in a work someone else created with you and/or for you.

Those are: **1)** the person was employed by you either by contract or by certain legal factors which differ by state; or **2)** there is a written agreement signed by both parties with proper WORK FOR HIRE / ASSIGNMENT language.

If either of these is met, the law says you now own that person's share in that work. As an indie artist this is important because you need to make sure you 100% own your masters. This is why you want producers, vocalists, instrumentalists, and even mixing and mastering engineers to sign agreements assigning any rights they could have in that sound recording over to you.

If you've released music without these in place, you should go back and have these contributors sign an agreement, especially if your song has gained any traction.

Register Your Publishing Properly!



TO GET PAID YOUR PUBLISHING ROYALTIES YOU MUST:

- **Sign up for a PERFORMING RIGHTS ORGANIZATION (ASCAP or BMI)**
 - **WHAT IT IS:** a **PRO** collects royalties when a composition is performed - Think: AM/FM radio, live concerts, streaming, etc.
 - If you go with **ASCAP** sign up free as both a writer and publisher (you will have two accounts)
 - If you go with **BMI** you only need to sign up as a writer (which is free) to collect the total share of your money, though you can pay to sign up as a publisher as well
- **Sign up for the MECHANICAL LICENSING COLLECTIVE**
 - **WHAT IT IS:** the **MLC** collects mechanical royalties from digital service providers - Think: Spotify, Apple music, etc.
 - You will sign up for the **MLC** as a “publisher” only
 - You don’t have to have an officially registered entity for this (like an LLC or Inc.). You can just make up a name. If you created a publishing company with your **PRO** use that same info here!

Register Your Publishing Properly!



TO GET PAID YOUR PUBLISHING ROYALTIES YOU SHOULD:

- **Sign up for the HARRY FOX AGENCY (HFA)**
 - **WHAT IT IS:** HFA collects mechanical royalties for physical reproductions in the US and in certain countries worldwide
 - ***This is optional*** but I recommend you sign up if you aren't signed to a publishing deal, especially for the multi-country collection
 - You will sign up for **HFA** as a "publisher" only
 - One time fee of \$100
- **Sign up for the MUSIC REPORTS / SONG DEX**
 - **WHAT IT IS:** MUSIC REPORTS collects "micro-sync" royalties from online uses of your music - Think: TikTok, Peloton, etc.
 - Free to join!

Claim Your Masters and Featured Artist Performances on SoundExchange

03

WHAT IS SoundExchange: SoundExchange collects and distributes royalties for the featured artist and the sound recording copyright owner when content is played on a non-interactive digital source.

1. **IF YOU OWN YOUR MASTERS**, sign up for an account as a **FEATURED ARTIST** and **RIGHTS OWNER**. Once your songs are released via a distributor, they should appear in SoundExchange's online database automatically. Logon to your portal called SXDirect and go to **SEARCH AND CLAIM**.

a. **FIRST**, you want to click on your **RIGHTS OWNER** name and search for all the masters you own. You can claim these all at once since you will be asserting 100% ownership rights. Click the check box next to each one, click continue, set the % to 100 and submit.

b. **SECOND**, you want to go back to **SEARCH AND CLAIM** but this time, click on your **FEATURED ARTIST** name and search for track on which you are a featured artist. USUALLY, the featured artist share is split evenly between all artist on a track, but check with your collaborators, if any, if you're unsure. If you're the sole artist, you can claim 100% of the featured share. You'll check the box on all songs which share the same %, and proceed to claim.

2. **IF YOU DON'T OWN YOUR MASTERS**, only do **Step 1B** above.

Add Your Masters to Content ID Systems

04

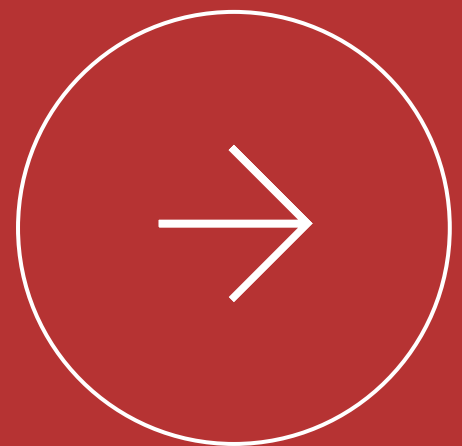
Youtube, Meta, and Tiktok each have proprietary “fingerprinting” technology that takes a sound recording and matches it to all sounds on those platforms. If they find a match, they claim the use on your behalf and you get paid whatever revenue that creator would’ve made.

Most distributors offer this service. Just make sure you are opted in for “social media monetization” or whatever it’s called on your platform of choice.

Free money you are leaving on the tabel if you don’t do this.

Indie Artist Release Playbook (Do this everytime)

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1

ARCHIVE

- If you worked with a music producer, mixing or mastering engineer, session musicians, graphic designers, music video directors, photographers, content creation team, etc...
- **REQUEST** original, high quality copies of everything:
 - Music Stems
 - Dry/Wet Vox Stems
 - Unmixed & Mixed Versions
 - Unmastered & Mastered Version
 - Album Artwork & Other Graphics / Photos
 - Music Videos (1080p, 4K +)
- **THEN**, save everything in your own personal music vault on a hard drive and back up to a cloud service.

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1

ARCHIVE

- **Why is this necessary?**

- As an indie artist, you may sign with a bigger label or distributor one day, and they may want to alter mixes, create remixes, enhance graphics, re-edit etc, for re-release.
- If you sell your catalog, the purchaser will want you to have as much of this as possible.
- If you get a sync opportunity and you only have the final master, you could be screwed! Having different mixes, stems, and instrumentals can open up more opportunities for you.

PAPERWORK

YOU ARE THE LABEL , YOU NEED TO OWN EVERYTHING

- This one is **VERY IMPORTANT:**
 - You need to have **EVERYONE** who contributed to your art in any way sign an agreement with **Work For Hire** language → This includes:
 - The Music Producer
 - The Mixing/Mastering Engineer
 - The Session Musicians
 - The Vocalist (if applicable)
 - The Side Artist (if you have a feature)
 - The Photographer
 - The Video Director
 - The Graphic Designer

REGISTER

- **PUBLISHING:**

- Self-Admin:

- PRO (ASCAP, BMI, SESAC)
- MLC
- HFA
- Music Reports / SongDex
- CMO for Global Collection

- Songtrust or other Admin/Publishing Deal:

- If you have an account/agreement, register here

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REGISTER

- **MASTER / ARTIST**

- Neighboring Rights:

- SoundExchange

- Register as Rights Owner if you own the Master
 - Register as Featured Artist

- Other NR Company

- If you have a company that handles your Neighboring Rights (like Limeblue), register here

- Content ID:

- If you own the Master, register with “social media monetization” options to add your sound recording to TikTok, YouTube, and Meta (this will usually be via your Distributor)

DISTRIBUTE

- **UPLOAD MUSIC TO:**

- **Distributor:** Distrokid, Symphonic, CDBaby, TuneCore, United, Landr, SoundCloud, TikTok SoundOn, etc.
 - ***OPT-IN** to Content ID / Social Media Monetization
- **SoundCloud:** Regardless of where you distribute your music, you can upload it to SoundCloud and monetize it further with an Arist Pro account
- **BandCamp:** Upload music here to sell directly to fans

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DISTRIBUTE

- **UPLOAD MUSIC TO:**

- **YouTube:** Your distributor will deliver auto-generated “art” videos here, but you should also create a music artist account and upload videos, even audio only videos to maximize earning potential
- **Meta:** Same here, upload your own videos to maximize earning potential
- **TikTok:** Your music should be sent to TikTok via your distributor but make sure you set up your Official Artist page on TikTok. Here you can track videos that use your music and create your own that could go viral.

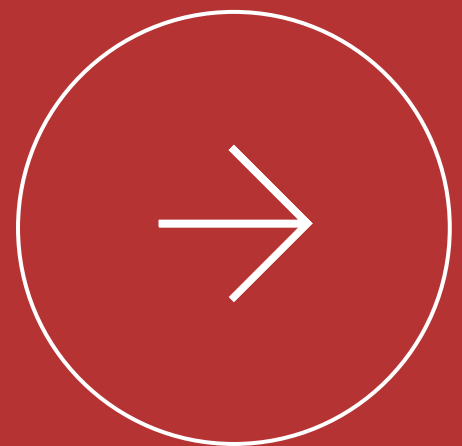
5

PROMOTE

- Make **CONTENT** for Social Media (YouTube, Tiktok, Meta)
- Run **DIGITAL ADS**:
 - *Self-Run*:
 - Meta Business Manager
 - Tiktok Ad Manager
 - Tiktok Promote Feature on your own videos
 - Google Ads
 - YouTube Promotion Feature on your own videos
- OR–
- Use a platform like **Hypeddit.com** to do it for you
- Opt-in to **Spotify's "Campaign" Feature** / Use **Marquee** if you have the option

How to Self-Admin Your Music Publishing

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Sign up for a Performing Rights Organization “PRO” (ASCAP or BMI)

- If ASCAP, sign up free as both a songwriter and a publisher.
- If BMI, sign up free as a songwriter. Optionally, can pay to sign up as a publisher but you don't have to have a pub account on BMI to collect both shares.
- Upload your catalog using the provided system

Sign up for the Mechanical Licening Collective “MLC”

- Sign up free as a publisher
- Claim your compositions or add them to the system manually
- Connect sound recordings to your compositions to maximize earnings.

Sign up for Harry Fox Agency “HFA”

- Sign up as a publisher → \$100 (one-time fee)
- Upload your catalog information to the system manually using the provided spreadsheet file (.XLSX)
- Opt-in to licenses whenever offered to maximize earnings

Sign up for Music Reports/SongDex

- Sign up free as a publisher
- Claim your compositions or add them to the system manually
- Connect sound recordings to compositions to maximize earnings
- Opt-in to licenses whenever offered to maximize earnings

How To Set Up Your Music Publishing Company (+ do you need one?)

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1

First...Do you need a publishing company?

If you write music and you aren't signed to a pub deal, you will collect your royalties as your own publisher and as a songwriter.

But do you need a formal company to do so? **NOPE!**

Even without setting up a formal company, you're already acting as the songwriter and the publisher. Legally, this makes you a sole proprietor meaning you can collect royalties in both capacities without registering a business.

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First...Do you need a publishing company?

So why do people talk about “setting up a publishing company?”

First – Royalty Organizations: When you sign up for the MLC, HFA, SongDex, SongTrust and ASCAP (but not BMI) you sign up as a “publisher.” But, as mentioned above, this can just be a name you create and does not need to be a formal entity. You can make up any name you want as long as it’s not in use, including just using

“Songwriter Name + Publishing”

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1

First...Do you need a publishing company?

For a lot of writers, they already created their name when they signed up for ASCAP as their PRO (Performing Rights Organization). ASCAP requires you to create a writer account AND a publisher account (both are free). You must have both to collect both the writer and publisher side of the performance royalties.

BMI does not require this. So ASCAP writers often use the same publishing “company” name across all royalty platforms, even though it’s not formal company.

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First...Do you need a publishing company?

Second – Formal Registration: Some writers choose to set up a formal entity (like an LLC) to use as their publishing company. In practice, it's not much different from a sole proprietor other than a few formalities when signing up.

The choice to do this is different for each person but the common reasons are:

- Tax Optimization & Separation
- Professionalism & Branding
- Future Growth / Signing Other Writers
- Banking & Payment Structure

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First...Do you need a publishing company?

TLDR: You DO NOT need a formally registered company to collect all of your publishing royalties.

When you register for royalty collection organizations, they will have you create a publishing “company” which is just a name of your choosing and you are operating as a sole proprietor. You can also sign up using the formal entity name if you have one set up at that point.

If you think a formal entity is right for you and want to see how simple it is to set one up, swipe left...



2

Second. Setting Up an Entity.

Visit your state's Secretary of State website. Navigate to "set up business" / "register entity."

Decide which structure is best (LLC, Inc. etc.), pay the fees and register.

Once registered, go to the IRS website and create an EIN.
You can google this but BE WARNED there are many websites impersonating the IRS so be sure you are actually visiting IRS.GOV.

Open a business bank account, or you can use a personal checking account as long as you keep it separate from all other income / expenses.



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advice you actually
need.