

BZ/Brief

MUSIC IN ADVERTISING Part I THE CLEARANCES YOU NEED

When creative people come up with an ad campaign idea using music, the questions they ask first are always: What clearances do we need? What do they cost? The answers always are: it depends—on whether you are recording yourself or using a record by a star performer, on where and for how long the campaign runs. This article is about the basics; other important issues will be covered in Parts II and III of this article.

THE REALLY BIG DEAL

Using *the* famous recording of a great popular song by a star performer for a one-year national TV spot is the most expensive way to go.

Clearing The Tune

The basic clearance, which is always required for *any* use at all, must be obtained from the music publisher. Publishers represent the rights of composers/lyricists. For a one-year national spot, publishers' fees range from lows of \$100,000 to highs exceeding \$500,000, depending on the song. \$150,000 to \$300,000 is the average price range. Golden oldies by lesser-known composers usually fall into the low end of the range. At the high end are all-time greats composed by the likes of The Beatles, The Rolling Stones, Rodgers & Hammerstein, Irving Berlin and George and Ira Gershwin.

Clearing the Performance

The record company is the second stop on the route to clearance for this commercial. The label owns the performance on the record and (usually) represents the name performer. Record companies usually charge at least as much as publishers. Occasionally they charge less and, if the performer is really important, (Frank Sinatra, for example), they often charge more.

Some name stars retain the right to approve commercial uses in their recording contracts. *Always* make sure that the record company clearance covers the name performer. (More about this subject in *Music in Advertising, Part II.*) Very big names like Bob Dylan, The Rolling Stones, Barbra Streisand, etc. are rarely available. Any project that hopes for their approval will have to be interesting and significant, and will involve the biggest of big bucks.

New-use fees to unions like the AF of M and AFTRA/SAG are also required.

The Bottom Line

Because you have to pay the music publisher, the record company and all the unions, this is *the most expensive way to do a TV commercial.*

MAKE YOUR OWN RECORDING

Your music clearance budget drops by more than half since now you pay only the music publisher's fee. You record only as much of the song as you need, arranged the way that works best for the spot. This is how most commercials are done.

Hitchhikers

It may be valuable in planning your campaign to know that music publishers often do not charge more for using the same song in several different TV spots running simultaneously for the same client than they would for a single spot. If you are already planning a year-long TV campaign, adding one-year of national radio spots ups the fee only about \$30,000-\$50,000.

Changing The Lyrics

Specific permission from the publisher is required for any change in lyrics. Usually the music publisher charges a higher fee for changing lyrics. Minor changes are easier to get approved and cost less than major changes.

Music publishers don't care if you choose to only use the song, instrumentally, but doing so will not save you any money.

REGIONAL CAMPAIGNS

Obviously, you can buy the rights to use music and recordings in smaller regions than the whole country. Fees will be less, varying with the size and importance of the market and with the length of time the spots will be aired.

ONE NOTE MORE

"Product exclusivity" should be included in any licensing contract. The phrase means that, for the time period and territory covered by your license, the rights owners cannot sell use of the song to your client's direct competitors. Complications sometimes arise with exclusivity. These and other difficulties will be covered later.

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