

Meet the Composer, Inc.
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MEET THE
COMPOSER

Commissioning Music

A BASIC GUIDE

To Commission Music

is to pay a composer to write a particular composition for a specific purpose or event. Anyone can commission music, and any type of music can be commissioned. **K**

CHOOSE A COMPOSER whose music moves you and who can write for the occasion and the instrumentation you have in mind. Contact candidate composers or their publishers to request samples of their music.

BASE THE COMMISSION FEE on the composer's reputation, length of the work, number of performers, and the budget of the commissioning party. Consult the schedule of fees in this guide, seek professional advice, and remember, fees are always negotiable.

KEEP MUSIC COPYING COSTS SEPARATE. *The costs of copying the score, extracting instrumental parts, and duplicating these materials are the commissioning party's responsibilities.* A composer's publisher may share these costs.

PLAN FOR PERFORMANCE OR RECORDING and agree on the composer's involvement in rehearsals and public presentations. Performing and recording costs and personal appearance fees are separate from the commission, and should be agreed in advance.

THE COMPOSER OWNS THE COMMISSIONED WORK and all rights to its use under U.S. and/or International Copyright law. The composer derives income from licensing its use in performance, publication, and recording. Composers generally retain their original manuscripts (or original tapes of electronic works), though they may give copies to commissioners. Instrumental parts belong to composers or their publishers, but commissioners may have exclusive use of them for a period of time. Possession of printed or recorded music does not confer rights to performance, publication, or recording.

ALL PERFORMANCES MUST BE LICENSED, including the premiere. Most composers belong to a performing rights society—in the U.S.: ASCAP, BMI, or SESAC—which licenses their music for public performance and broadcast. The societies collect blanket fees from producers and presenters of music to license their entire repertoires. If neither the commissioner nor the performer has the appropriate license, an individual license must be obtained directly from the composer or the composer's rights society.

GRAND RIGHTS cover theatrical or music-dramatic performance, including opera and dance, and must be licensed directly from the composer or publisher.

COMMISSIONING PARTY MAY NEGOTIATE RIGHTS such as:

- exclusive right to give premiere performances
- exclusive performance rights for a limited period
- exclusive right to give premiere in other cities
- right to make work's first commercial recording
- right to be credited as commissioner in published editions, recordings, and programs of all future performances

FUNDING FOR COMMISSIONS is available from any governmental, foundation, and private sponsors. **Meet The Composer** offers an array of commissioning programs. Costs can be reduced when several organizations co-commission a work, which also ensures multiple performances.

COMMISSIONING AGREEMENTS are best negotiated with the aid of an attorney. Major points to cover include:

- identification of parties
- description of work: type, length, instrumentation
- delivery dates for completed work and parts
- fee and method of payment (generally 50% on signing agreement, 50% on delivery of score)
- cost allowances and payment schedule for extracting and duplicating parts and/or producing a tape, generally payable on delivery of parts or tape; and stipulations for quality of copying or recording
- statement that composer is not an employee, and is not working "for hire"
- limit of composer's liability should score not be completed
- composer's warrant that the work will infringe no existing copyright, and that the contract contravenes no existing agreement
- commissioning party's commitment to perform work within a certain period
- fees and travel expenses for composer's assistance in preparation and presentation of the work
- licenses granted to commissioning party (including performance, recording, broadcast, or other uses) and periods of exclusive rights
- ownership of score, parts, and tapes
- rental fees for use of parts
- form of composer credits in programs, recordings, and advertising
- form of credit and dedication to commissioning party
- responsibility for promotion, advertising, and exploitation of commissioned work
- method of resolving disputes, including state law under which the agreement will be interpreted.

Schedule of Fees

These tables are intended as a basis for negotiation. **Meet The Composer** does not act as agent, manager, or legal counsel. Composers and commissioners would seek legal counsel and investigate market rates for commissions in their own area.

The figures represent mid-range fees in 1992 based on **Meet the Composer's** research. Young composers receiving their first commissions may accept lower fees, while a number of highly marketable composers demand much higher rates. All fees are negotiable. There is a composer for every commissioning budget.

The figures do not include costs for music copying, musicians, production, or recording, which are assumed by the commissioning party or performers.

CONCERT MUSIC AND JAZZ

Income from repeated performance of concert works is speculative. Most composers depend primarily on commissions.

Instrumentation	under 10 min.	10 - 25 min.	over 25 min.
Solo or Duo, Instrumental	\$1,500 - 4,000	\$2,500 - 10,000	\$7,500 - 15,000
Piano solo/Duo w/ instrument or voice	\$2,000 - 6,000	\$4,000 - 12,000	\$8,000 - 25,000
Tape or Electronic Solo	\$2,000 - 10,000	\$6,000 - 20,000	\$10,000 - 30,000
Trio or Quartet	\$3,000 - 8,000	\$5,000 - 18,000	\$10,000 - 25,000
Ensemble of 5 to 10	\$4,000 - 12,000	\$6,000 - 22,000	\$15,000 - 30,000
Chorus	\$3,500 - 14,000	\$6,000 - 20,000	\$15,000 - 30,000
Small Chamber or Jazz Orch, or, Band (10-22 players)	\$5,000 - 13,000	\$8,000 - 25,000	\$15,000 - 30,000
Large Chamber or Jazz Orch, or, Band (22-40 players)	\$7,000 - 15,000	\$9,000 - 30,000	\$20,000 - 40,000
Full Orchestra concerto: add 20 - 30% chorus: no extra fee	\$8,000 - 18,000	\$12,000 - 35,000	\$25,000 - 60,000
<i>When solo voice or a substantial electronic part is included in any of the above ensembles, add 20 - 30% to the indicated fee.</i>			

THEATER, MUSICAL THEATER, OPERA, DANCE

Commission fees, royalties, and box-office share are all negotiable, and are treated differently in each field listed below. Fees paid up front are balanced against future income from performance, recording, or broadcast of the commissioned work.

INCIDENTAL MUSIC

The following range of commission fees depend on the amount of music needed. Individual composers may accept less or command more. In addition, for show with indefinite runs, royalties are generally paid per performance.

Regional Company	\$3,000 - 8,000
Off Broadway	\$3,000 - 6,000
Broadway	\$5,000 - 12,000

MUSICAL THEATER

An advance against royalties may be negotiated, up to \$10,000 or more for an experienced musical theater composer. The royalty is a negotiable percentage of box office. **Dramatists Guild** contracts with Broadway producers and theaters specify that "Author" receive 4.5% pre-recoupment (until producers recoup their investment), and 6% post-recoupment. This amount is divided among composer, librettist, and lyricist. In Off-Broadway and regional theaters, it is not uncommon for "Author" to receive 6%, with 1-2% increase after recoupment in for-profit productions. Recoupment does not apply to non-profit productions.

OPERA

Because revivals of new operas are relatively rare, most composers rely primarily on commissions. Fees depend on the length of the work and the kind of company offering the commission. Librettist fees are separate, generally 20-50% of composer fees.

<u>One-Act Opera</u>	
Small Company	\$10,000 - 20,000
Large Company	\$15,000 - 40,000
<u>Full-length Opera</u>	
Small Company	\$30,000 - 70,000
Large Company	\$75,000 - 150,000

Grand rights for performances after the premiere are negotiated with the composer or publisher in one of three ways: as a flat fee for the run; based on number of seats in hall; or as a percentage of box office gross income.

DANCE

Consult Concert Music and Jazz table under anticipated instrumentation. The prospect of grand rights income may induce composer to accept reduced fees to compose for dance. Choreographer fees are separate and vary widely: see **MTC's Composer/Choreographer Handbook.**

FILM AND BROADCAST MUSIC

Film and television composers must be capable of organizing every aspect of production and providing finished tapes on very tight schedules. Composers must think carefully about what future their work may have, because the initial fee varies considerably depending on what rights the composer retains to income from the music. Money received up front may not be as important as retaining copyright ownership, for instance, or the exposure a project will bring. What follows is only an outline of general practice in a complex field. Prospective film and television composers should consult colleagues for more detail, and engage an experienced entertainment lawyer or agent in negotiating with studios and producers.

FILM

Composer's fee can be either a negotiated figure or part of a "package"—that is, the portion of the music budget remaining after paying musicians, producing a soundtrack, and buying rights to existing music. Music budget ranges from 1% to 10% of overall budget, amounting to \$1,000 - \$1,000,000 depending on the kind of film. In studio films, composer works "for hire" as producer "buys out" all rights to music. With independent films and documentaries composer can often negotiate certain rights in exchange for a lower fee. Credits as performer, orchestrator, and leader allow composer to receive a package of benefits through the **American Federation of musicians**. Screenings in the U. S. do not produce composer royalties, but for broadcast on television and screenings abroad, the performing rights societies collect licensing fees for their member composers—which can amount to a considerable income if composer has retained publishing rights.

The following ranges indicate typical net composer fees in 1992, depending on film budget, rights retained, and composer's prestige. A composer seeking exposure may accept less.

Major Studio Film	\$50,000 - 200,000
Independent or TV Film	\$5,000 - 100,000
Documentary	\$2,000 - 20,000

TELEVISION

As in film, composer's fee can be either a negotiated figure or part of a "package"—the portion of the music budget remaining after paying musicians, producing a soundtrack, and buying rights to existing music. Composer works "for hire," giving producer all rights to music. Performing rights societies pay composer royalties on "performances" (broadcasts)—more for networks and cable, less for public television. Credits as performer, orchestrator, and leader allow composer to receive a package of benefits through the **American Federation of Musicians**. The following ranges

represent what composers typically net in 1992. A composer seeking exposure may accept less.

	Network	Cable	Independent
30-minute series episode	\$1,500 - 5,000	\$1,000 - 2,500	\$1,000 - 2,000
60-minute series episode	\$5,000 - 8,000	\$2,500 - 4,000	\$2,000 - 4,000

COMMERCIALS AND LOGOS (SOUND DESIGN)

Jingle houses employ composers "for hire" and hold all rights to their music. Many composers now function independently in order to retain their rights. *Composer's Creative Fee* is 10-20% (most often 17%) of a jingle's overall cost (called the "Handling Fee"). Performing rights societies do not effectively log broadcast of commercials, so composer's future income depends on royalties as composer, paid by producer or broadcaster; and **American Federation of Musicians** recording payments as performer, arranger, or leader. The longer a jingle is likely to be used in one version, the higher the *Creative Fee* should be. The following ranges represent what composers typically net in 1992. A composer seeking exposure may accept less.

Regional Commercial	\$300 - 1,500
National Commercial	\$5,000 - 20,000
Logo (Sound Design)	\$5,000 - 50,000

RESOURCES

Organizations offering information about commissioning, fees, and composer income.

American Society of Composers, Authors, and Publishers (ASCAP)
1 Lincoln Plaza
New York, NY 10023
(212) 595-3050

Dramatists Guild, Inc.
(for theatre/musical theatre)
234 West 44th Street
New York, NY 10036
(212) 398-9366

Broadcast Music Inc. (BMI)
320 West 57th Street
New York, NY 10019
(212) 586-2000

Society of Composers and Lyricists
(for film and TV)
400 South Beverly Drive
Suite 3214
Beverly Hills, CA 90212
(310) 281-2812

SESAC, Inc.
421 West 54th Street
New York, NY 10019-4405
(212) 586-3450

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