

BAND TIPS: RELEASING A RECORD by Greg McAteer



FirstMusicContact

Anyone can release a record as long as they observe a few simple guidelines.

1. You must notify the copyright owners or their agents (normally MCPS) of your intention to manufacture a record at least 14 days before you do it. MCPS will send you a form called a Statutory Notice which you use to submit the relevant details i.e. the track sequence, song titles, writers, copyright owners (if known) and name and address of pressing plant and quantity to be manufactured. Doing this early has advantages for the record company. MCPS can identify the correct copyright owners at the time of making the record and this can save reprinting of sleeves if the copyright owner of a song has changed. You are required by law to correctly identify the writer and copyright owner on the record/CD sleeve.
2. You must arrange to pay a fee, known as a mechanical royalty, to the owners of any copyright musical works on the recording. Most musical works are owned by composers or publishers who are members of the MCPS and it is to MCPS that you pay their mechanical royalties.
3. If the copyright owner is not a member of the MCPS then you must pay the mechanical royalty directly to them. If you can't trace the copyright owner you must arrange to hold a sum in reserve with which to pay the royalty if they subsequently make themselves known to you.
4. If you want to use a song which has never been released on a record before you must seek the permission of the copyright owner before doing so. If the song has been released you are free to release your version as long as you pay the mechanical royalty and notify the owners or MCPS.

Do I have to be an MCPS member to release a record?

No. MCPS represents the people who own the copyright works which appear on records so record companies are not normally members of MCPS.

How are mechanical royalties worked out?

The mechanical royalty is worked out as a percentage (currently 8.5%) of the dealer price, i.e. the price the record shop pays for the record. If all the copyright musical works on the record are owned by MCPS members, then the entire mechanical royalty of 8.5% of the dealer price is collected and distributed to the copyright owners. If some works are owned by publishers or songwriters who are not MCPS members MCPS do not collect their portion. MCPS only collects as much of the royalty as it represents.

What about royalties on a demo?

If the music on a demo is owned by MCPS members then you will have to pay for its use on your demo. Of course, in practice most songs on demos are written by the bands themselves and the writers will rarely have joined MCPS this early in their career so if the songs haven't been assigned to an MCPS publisher member there would be no royalty collected.

For more information contact Denise Coleman, MCPS (Ireland) Ltd, Copyright House, Pembroke Row, Lower Baggot Street, Dublin 2. Tel: 01 6766940 Fax: 01 6616316

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