

# An Offer You Can't Refuse:

*What to do and not to do when approached for a use of your song*

Publishers and producers are people you pursue with demos in the hopes they will show an interest in using your songs. If a publisher is interested, he or she will most likely offer you a single song contract. What to do?

- Express interest in a businesslike way. Accept the contract with thanks and let them know you'll get back to them about it as soon as you've discussed it with your attorney.
- Beware of anyone who reacts negatively to this.
- Beware of anyone who says, "But it's just a standard contract." We've seen those words on the tops of contracts varying in length from 2 to 20 pages.
- Ask the publisher about the size and history of the company. Are there staff writers? What songs have they published? What do they have in mind for your song? Be wary of anyone who reacts defensively or evasively to these questions.
- If they offer you a contract for a large group of songs, don't sign it. You don't want your songs on a stockpile of unpromoted copyrights. If you feel a relationship with the publisher could be valuable to you, counter with an offer to sign two or three songs and see how hard they work for you.
- Look on this event as an educational experience. Read the contract yourself first so you can ask specific questions about

its contents. Bring the contract to a music business attorney and discuss the contract until you thoroughly understand it.

Two of the main issues to look for in your contract:

1) Make sure the copyrights revert to you in a specified amount of time if the publisher does not obtain a commercial recording and release.

2) Make sure the songs do not cross-collateralize. Cross-collateralization means your income from all the songs they publish can be stopped if one of the songs gets involved in litigation.

Let the lawyer do any negotiating for you. They're good at it and you are good at writing songs.

People who pursue you by direct mail or advertising promising publication or record release for a fee are to be avoided completely. That's not how it's done in the legitimate music business.