



Benefits of working with a publisher in Germany

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While it seems to be common sense that it is helpful to work with local promoters, distributors, bookers etc. in foreign territories, relying on the reciprocal agreements between copyright collection societies is sometimes considered an alternative to engaging a local representative for publishing.

However, significant portions of income tend to get lost in that process for a number of reasons:

1. Copyright royalties only flow through these international systems when the data match 100% correctly – and the quality of publishing data, especially in the online/digital space, is far from perfect. This is partly due to labels uploading recordings to services like Spotify without correct or complete information in respect of writers, publishers, shares etc., but also down to, for instance, films, TV programmes and ads being re-named when broadcast in other territories, sometimes parts of the music is replaced, sometimes not etc. – complicating the correct identification of the songs used enormously.
2. There are fortunately many good and helpful people working in copyright collection societies, but:
 - They do not have independent market information for your works (sales and streaming figures, which tracks are contained on which release, which songs were promoted at radio, which performed at concerts, etc.) other than the huge packages of data they receive from their licensees. Therefore, it is impossible for them to notice or recognize even substantial under-accounting.
 - In a collection society, royalties come in from various sources, are processed through its systems and distributed accordingly. There is no benefit or objective motivation for staff working at a society to question or correct the allocation of royalties from one party to another. For them, this only creates additional workload and no reward. Fortunately, some staff at societies are motivated to “do the right thing” nonetheless – but that is not a good long term basis and can only work if someone points out to them what has gone wrong.

Contrary to that, a local (sub-)publisher has every reason to make sure all income due to itself and the writers it represents is paid correctly. A good publisher will therefore:

- Ensure data in the systems are complete and correct.
- Research market information by liaising with labels, artists, management, acquiring independent market data etc.
- Maintain good relationships with the local copyright collection societies, actively and systematically claim inevitably missing royalties and push for and monitor correction there.

As a result of above and the fact that no society commission is payable on monies paid to you by your sub-publisher, good sub-publishers can increase the overall revenues by more than the percentage they charge.

In particular:

- Mechanicals: Although most of the CDs, Vinyls etc will be imported to Germany, there are still local Compilations, DVDs etc. that need to be collected. Some Sub Publishers can collect directly at the labels if the author isn't affiliated with a mechanical rights society.
- Broadcasting: While collection of radio airplay has improved, TV usages are often not reported correctly and the requirements for registration of commercials and films are quite special and obligatory to get a cent out of these usages.
- Performing: Distribution of performing royalties has been improved significantly and leads to substantial income. Nevertheless, you still need to know how to register concerts correctly – and you need to know how to re-claim missing shows and songs in your statements.
- Digital: Will be interesting to see if the ICE system (in which GEMA and KODA are partners) will improve the current situation. But to know from the label how many streams they had on a platform in the territory and the a sub-publisher checking these figures against what came in through the collections society still makes sense. Digital statements still live in the field of faith, you just have to believe what's standing there. At least to have a check between master-owner and publisher can make the whole think less opaque.
- Synch: No serious sub publisher will promise a great synch deal for your artists. But your sub-publisher will use its network to introduce your repertoire to local supervisors and ad agencies. Your sub-publisher should be able to quote usual market prices, rate offers, and lots of the agencies prefer to work with local representatives (not only for tax reasons)

Working with a sub publisher, you should also benefit from

- Control – what's happening with my repertoire?
- Responsiveness – you know whom to talk to – be it about missing royalties or advice.
- Expertise and experience Recommendations how to work the territory best, expertise and experience regarding tariffs and quotes etc.
- Speed – inquiries with local collection societies will be faster and result in quicker statements from your sub publisher (in some cases even quarterly statements!)
- Network – apart from you own efforts to establish an artist in a territory, there are more people working for the artists, introducing them to proven contacts in synch, media etc. you should get useful contributions of additional members of the team that supports artists!

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Hamburg, Dec – 2015

Originally incorporated in 1986 to administer the compositions of German avantgarde artists Einstürzende Neubauten as efficiently as possible, Freibank soon began to offer its swift and efficient copyright administration services to fellow musicians.

This paper was developed as a result of the "Gipfeltreffen II"-meeting between German and Danish music business – produced by ROSA/SPOT Festival, MXD, Promus, The Arts Council & Factory 92.

