

# **THE MUSIC BUSINESS IP GUIDE**

**How To Protect Your IP In The Music Business**



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*If you already work in the music business, or if you're just starting, this is a quick guide to help you understand the basics of Intellectual Property and how you can protect it—and (hopefully) make money from it.*

*The content here is an extract from an IP Workshop I gave at the Berklee Valencia Campus during the Global Career Summit in January 2024.*

*I hope you like it!*

*Monyca*





**SO WHAT NOW?**

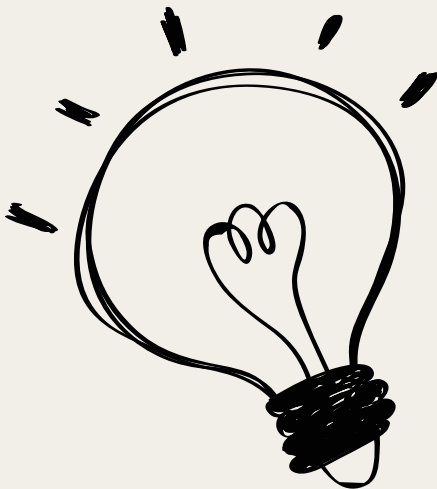
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# IP DEFINITION

Intellectual Property (IP) in the music industry refers to the creations of the mind that are unique to an individual or a group, such as songs, lyrics, album artwork, and even brand names. These intangible assets are protected by law, allowing creators to benefit from their work. For example, the distinctive melody of a hit song is a form of IP that can be legally protected, ensuring that the songwriter receives credit and compensation whenever the song is used commercially.



***"INTELLECTUAL PROPERTY (IP) REFERS TO CREATIONS OF THE MIND, SUCH AS INVENTIONS; LITERARY AND ARTISTIC WORKS; DESIGNS; AND SYMBOLS, NAMES AND IMAGES USED IN COMMERCE."***

[\(HTTPS://WWW.WIPO.INT/ABOUT-IP/EN/\)](https://www.wipo.int/about-ip/en/)

# PATENT



## **WHAT?**

Exclusive right granted for an invention.

A product or a process.

A new way of doing something.

A new technical solution to a problem.

## **HOW?**

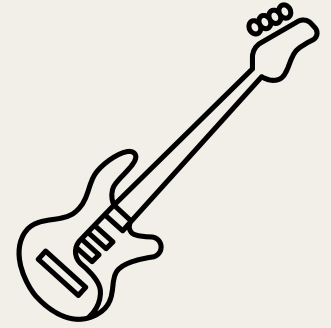
PATENT APPLICATION.

You will have to disclosed technical information about the invention in the application.

## **FOR HOW LONG?**

20 years in general.

# INDUSTRIAL DESIGN



## **WHAT?**

Protects the visual aspect of an object.

Color, shape, lines, pattern, etc.

Can also be called design patent.

## **HOW?**

REGISTER IT.

In some countries "unregistered" designs are protected.

It can also be protected under Copyright Law.

## **FOR HOW LONG?**

Up to 25 years (considering renews).

# TRADEMARK



## **WHAT?**

An exclusive and distinctive sign.

To indicate a product or service.

A name, a slogan, a hashtag, a color, a sound, etc.

Or a combination of these.

## **HOW?**

REGISTER IT.

There is some protection for "unregistered" trademarks.

## **FOR HOW LONG?**

10 years in general.

Can be renewed many times.



# COPYRIGHT



## **WHAT?**

Protects the creators of artistic and literary works such as musical compositions, books, etc.

Ideas are not protected, but the expression of these ideas are.

## **HOW?**

It is automatic, registration not mandatory.

In some countries you can register your copyright to obtain certain advantages in case of any disputes/infringement.

## **FOR HOW LONG?**

At least lifetime +50 years.

In most countries it is lifetime +70 years.

# TRADE SECRETS



## **WHAT?**

It is the IP right to confidential information.

Commercially valuable.

Controlled and with limited access to specific people.

## **HOW?**

Can be protected with NDAs and NCAs (non-disclosure and non-compete contracts or clauses).

## **FOR HOW LONG?**

As long as you (reasonably) decide.

# OTHER RIGHTS



Personality rights are not a type of intellectual property but in some countries can be commercially explored under publicity rights.

They are also called **NIL** (Name, image likeness).

In the digital era we could also consider an artist digital presence as "other rights" in the music business:

- SOCIAL MEDIA HANDLES
- OFFICIAL PAGES/ACCOUNTS/CHANNELS.

# CHECKLIST

## Protecting Your Intellectual Property

- Identify Your IP: List all the creations you need to protect (songs, shape of an instrument, new technology etc).
- Understand Different Types of IP: Know the differences between copyright, trademark, etc.
- Register Your IP: Ensure all your works are registered with the appropriate bodies, when applicable.
- Register your Copyright: In the countries where there is a registration office.
- If you are a composer, sign a writer split sheet with your coauthors - SEE TEMPLATE AT THE END OF THIS GUIDE (courtesy of <https://www.creditsdue.org/>)

# SOME TIPS

- Sign up for a Performance Rights Organization (PRO) and/or a Collective Rights Organization (CMO) to collect royalties for your music.
- Consider Licensing Agreements: Be clear on terms when allowing others to use your IP.
- Stay Informed on Technology: Keep up with how tech can help to protect and manage your IP.
- Enforce Your Rights: Know what steps to take if your IP is infringed upon.
- Consult Legal Experts: Get professional advice to navigate complex IP issues.

# USEFUL LINKS

Trademark Registration:

[USPTO](#)

[EUIPO](#)

Copyright Office:

[U.S. Copyright Office](#)

About CMOs:

[CISAC](#)

Patent Information:

[WIPO](#)

[EPO](#)

OTHER INFORMATION:

Advice for Independent Artists: [UNSIGNED ARTISTS](#)

Music Data Analytics: [CHARTMETRIC](#)

# DID YOU KNOW?

- *Gibson Guitars shares a list of their (many) design and trademarks registrations on their website: [HERE](#)*
- *A Music catalog "sale" does not always mean a composer or an artist sold their copyright but just a share of it or even only its royalties: [HERE](#)*
- *One of the main things that can go wrong when a band breaks up is: Who keeps the band's name? [HERE](#)*
- *Neil Young had a patent for a new type of audio format: [HERE](#)*

# APPENDIX - TEMPLATES CREDITS DUE

## #SupportCreditsDue

*"Credits Due is a global initiative focused on bringing the music industry together to ensure that complete and accurate song metadata is attached to all recordings and songs at the point of creation.*

*Credits Due was established by The Ivors Academy of Music Creators and the Music Rights Awareness Foundation in 2021, now with worldwide support from dozens of organisations across the music industry."*

Here you can find 3 templates provided by them to help artists get the credits they deserve:

- Music Creator Checklist for Songwriters and Composers
- Music Creator Checklist for Recording Artists and Performers
- A Writer Split Sheet

Find out more at <https://www.creditsdue.org>



## Music Creator Checklist

### Songwriters and Composers

- 1. OBTAIN/CREATE A SPLIT SHEET TEMPLATE OR COLLABORATOR AGREEMENT FOR FUTURE USE**
- 2. DECIDE HOW TO KEEP A RECORD OF THE WORKS I CREATE**
  - Consider special software or a spreadsheet
- 3. BECOME A MEMBER OF THE COLLECTIVE MANAGEMENT ORGANISATION(S) (CMOs) in my country that manage rights on behalf of songwriters and composers**
  - An example is a Performing Rights Organisation
  - Take note of any identifiers assigned to me, such as a writer IPI
- 4. GET AN ISNI**
  - Search this site to see if I have one: <https://isni.org/page/search-database/>
  - If one has been assigned, take note of it
  - If one has not been assigned, ask the CMO(s) I am a member of if they are a data contributor to ISNI, and if so, when I might be assigned one. If the answer is no, sign up with an ISNI Registration Agency listed on this site: <https://isni.org/page/get-an-isni/>

**The steps below apply only to songwriters and composers who do not have a music publisher or publishing administrator managing their works. If your works are being managed by a music publisher or administrator, they will cover some or all of these steps for you. You should confirm with them specifically which steps they will handle.**

- 5. BECOME AFFILIATED WITH OR A MEMBER OF THE COLLECTIVE MANAGEMENT ORGANISATION(S) (CMOs) in my country that manage rights on behalf of music publishers and publishing administrators. Examples include Performing Rights Organisations (PROs) and Mechanical Rights Organisations (MROs). In some countries these are one organization, and in others they are separate.**
  - Take note of any identifiers assigned to me, such as a publisher IPI
  - If the CMO in my country is not able to collect royalties from outside of my country (directly or via relationships with other CMOs), explore options to collect in the other countries and select one
- 6. REGISTER MY CLAIM OF COPYRIGHT IN MY WORKS WITH CMOS**
  - Register each work I write and intend to publish/have distributed in recordings, or license
  - If my PRO and MRO are separate organisations, find out if I need to register my works separately with each one, and do so if appropriate
  - Take note of the ISWCs and other identifiers assigned to my works
- 7. RESEARCH THE BEST PRACTICES FOR PROTECTING MY LEGAL COPYRIGHT**
  - Find out if I am required to, or if it is considered a good idea to, register my claim of copyright in my works with the government Copyright Office or equivalent in my country, and do so if appropriate
- 8. EXPLORE LICENSING OPPORTUNITIES**
  - Research how I can license my music and collect royalties for uses other than performances and mechanicals (e.g., sync and lyrics)

## Music Creator Checklist Recording Artists and Performers

- 1. DECIDE HOW TO KEEP A RECORD OF THE RECORDINGS I PERFORM ON**
  - Consider special software or a spreadsheet
  - Take note of the ISRCs assigned to the recordings by distributors or record labels
- 2. BECOME A MEMBER OF THE COLLECTIVE MANAGEMENT ORGANISATION(S) (CMOs) in my country that manage rights on behalf of performers**
  - An example is a Performers' Rights Organisation
  - Take note of any identifiers assigned to me, such as an IPN
- 3. GET AN ISNI**
  - Search this site to see if I have one: <https://isni.org/page/search-database/>
  - If one has been assigned, take note of it
  - If one has not been assigned, ask the CMO(s) I am a member of if they are a data contributor to ISNI, and if so, when I might be assigned one. If the answer is no, sign up with an ISNI Registration Agency listed on this site: <https://isni.org/page/get-an-isni/>

**The steps below apply only to performers who are the primary/featured artist on a recording**

- 4. PROMOTE YOURSELF AND YOUR RECORDINGS**
  - Get verified on digital platforms
  - Get the word out every way I can to draw fans to my recordings and live shows

**The steps below apply only to recording artists who are self-released and not working with a record label. If your recordings are being distributed by a record label, they will cover these steps for you.**

- 5. BECOME A MEMBER OF THE COLLECTIVE MANAGEMENT ORGANISATION(S) (CMOs) in my country that manage rights on behalf of record labels / sound recording rightsholders**
  - An example is a Performers' Rights Organisation
  - Take note of any identifiers assigned to me
- 6. SIGN UP WITH A DISTRIBUTOR/AGGREGATOR**
- 7. DECIDE ON AN ISRC ASSIGNMENT APPROACH**
  - Choose to have my distributor/aggregator assign them, or sign up with an ISRC agency to be able to assign them myself
- 8. START DISTRIBUTING**
  - Provide metadata and content files for the recordings I choose to distribute; be sure to include song metadata; take note of the ISRCs assigned to my recordings if assigned by my distributor
- 9. REGISTER MY CLAIM IN MY RECORDINGS WITH CMOS**
  - Register each recording I intend to distribute or license
- 10. RESEARCH THE BEST PRACTICES FOR PROTECTING MY LEGAL RIGHTS**
  - Find out if I am required to, or if it is considered a good idea to, register my claim of copyright (or other rights) in my recordings with the government Copyright Office or equivalent in my country, and do so if appropriate.
- 11. EXPLORE LICENSING OPPORTUNITIES**
  - Research how I can license my recordings and collect royalties for uses other than performance and distribution

## Definitions

**COLLECTIVE MANAGEMENT ORGANISATION (CMO)** – an organisation that manages rights (granting or administering licenses and collecting and distributing royalties) in musical works or recordings on behalf of many rightsholders.

**DISTRIBUTOR/AGGREGATOR** – a company that distributes recordings to digital service providers on behalf of rightsholders.

**IPI (INTERESTED PARTY INFORMATION)** – a unique identifier assigned to a person or legal entity with an interest in a musical work, such as a songwriter or composer or music publisher or publishing administrator. The Interested Party Name Number is the identifier that is made publicly visible and is referred to as the IPI for short. Previously, it was referred to as the CAE number (which was short for Compositeur, Auteur, and Editeur in French, or Composer, Author, or Publisher in English).

**IPN (INTERNATIONAL PERFORMER NUMBER)** – a unique identifier assigned to a person whose performance has been or will be recorded.

**ISNI (INTERNATIONAL STANDARD NAME IDENTIFIER)** – a unique identifier assigned to a person or legal entity involved in creative activities, such as songwriters, composers, publishers, recording artists, producers, and record labels.

**ISRC (INTERNATIONAL STANDARD RECORDING CODE)** – a unique identifier assigned to sound recordings and music videos.

**ISWC (INTERNATIONAL STANDARD MUSICAL WORKS CODE)** – a unique identifier assigned to musical works (also called compositions).

**MECHANICAL RIGHTS ORGANISATION** – a type of CMO that manages mechanical rights (granting or administering licenses to reproduce and distribute musical works in sound recordings and collecting and distributing royalties) on behalf of many rightsholders. Sometimes these are called publishers' rights organisations.

**MUSIC PUBLISHER** – a company that invests in songwriters and composers, supporting the creation and promotion of musical works. They may give advances to songwriters and often supply creative services such as A&R, song pitching and writing camps plus provide legal and marketing support. They actively license and administer musical works for which they receive and distribute revenue to songwriters.

**MUSICAL WORKS** – musical compositions or songs, made up of melody, harmony, rhythm, and sometimes also lyrics. A musical work may be communicated in sheet music, in a sound or video recording, or a live performance.

**PERFORMING RIGHTS ORGANISATION** – a type of CMO that manages performing rights (granting or administering licenses to publicly perform musical works and collecting and distributing royalties) on behalf of many rightsholders.

**PERFORMERS' RIGHTS ORGANISATION** – a type of CMO that manages performers' rights (granting or administering licenses to publicly perform recordings) on behalf of many rightsholders.

**PUBLISHING ADMINISTRATOR** – a type of company that works with songwriters, composers, or music publishers to provide administrative services such as works registrations and royalty collections.

**RECORD LABEL** – a company that invests in recording artists, supporting the creation, distribution, promotion, and licensing of sound recordings and music videos. They give advances to create recordings, and often supply support such as A&R, branding, marketing, and legal. They receive and distribute revenue for the use of sound recordings.

**SOUND RECORDINGS** – the creative work that results from recording a series of musical, spoken word, or other sounds.

**WORKS** – usually short for Musical Works when the term is used in the music industry, but sometimes means all types of creative works, including textual, visual, and recordings.

Song/Composition Title	
Creation Completion Date	

**Fill in this section about the first recording of this song/composition if it is known at the time this form is completed**

Name of Artist	
Name of Record Label	

**Writer Information (fill in one of these sections for each co-writer)**

Co-Writer #1 Legal Name			
Nature of Authorship (check/tick one)	Words	Music	Words & Music
Writer's Share (%)		Writer's IPI*	
Writer's Performing Rights Organisation (PRO)			
Writer's ISNI*		Writer's Mobile Phone #	
Writer's Email			
<i>Provide information about your publisher below. If you know your publisher is administered by another company provide that info too.</i>			
Publisher/Publishing Administrator Name			
Publisher/Publishing Administrator Phone #			
Publisher/Publishing Administrator IPI			
Publisher/Publishing Administrator Email			
Writer's Signature			

Co-Writer #2 Legal Name			
Nature of Authorship (check/tick one)	Words	Music	Words & Music
Writer's Share (%)		Writer's IPI*	
Writer's Performing Rights Organisation (PRO)			
Writer's ISNI*		Writer's Mobile Phone #	
Writer's Email			
<i>Provide information about your publisher below. If you know your publisher is administered by another company provide that info too.</i>			
Publisher/Publishing Administrator Name			
Publisher/Publishing Administrator Phone #			
Publisher/Publishing Administrator IPI			
Publisher/Publishing Administrator Email			
Writer's Signature			

\*International Standard Name Identifier (visit <https://isni.org/> for more info)

+ Interested Party Information number (visit the website of your local Performing Rights Organisation for more info)

# CREDITS DUE

A LITTLE DATA, A BIG REWARD

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**FIND ME HERE:**

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