

Anatomy of a Commission: Legal Considerations

We will be referring to ACF's Anatomy of a Commission resource, developed in partnership with panelists Ari Solotoff and Deirdre Chadwick as well as American Composers Orchestra and National Sawdust.

<https://composersforum.org/anatomy-of-a-commission>

Discussion Topics:

1. Performance Licensing Systems for Chamber Music Commissions

- Comparison of US vs. European systems regarding new music premieres and international tours.
- [Performance licensing basics](#), including international performances, copyright terms, and recording rights.

2. Copyright Terms and Recording Rights

- [Duration of Copyright](#) and territorial considerations in both the US and Europe.
- Different types of licenses:
 - Audio vs. Audiovisual rights: Capture, record, and encode.
- Purposes: Archival Purposes, Non-Commercial Purposes, Broadcast radio (Local vs. National), Commercial Purposes.
- [Mechanical Licensing](#).
 - including for physical ([Harry Fox Membership](#)), Digital ([The Mechanical Licensing Collective](#)) and synch licensing.
- Securing recording rights for new works.
 - Sale of Chamber Music Parts.
 - Renting or selling orchestral parts and use fees for broadcast/commercial recording.
 - “First Commercial Recording” Rights: Triggers statutory compulsory licensing in the US.

3. Source Material

- Initial conversations.
- Intellectual Property and Royalties for Text.

- Responsibility for Securing Text Rights in Commissions: Role of the commissioning party, Role of the publisher (if involved), Translation permissions.
- Issues with Source Materials (Music/Text).
 - Text Setting and Clearance Fee, Split of new copyright (music and text), Performance royalties, Disposition of the copyright.
- Acquiring text permissions (commissioned vs. existing texts).
 - Joint authorship / ownership, Collaboration Agreement and related terms.
- Performance royalties for text-based works vs. instrumental works.
- Issues around text setting, clearance fees, and joint authorship/ownership.

4. Crediting and Royalties

- Fair models for acknowledging creative collaboration, cultural/intellectual property.
- Financial impact of different crediting practices.
- Lifetime care and stewardship of the resulting work.
 - All the work that needs to happen after the premiere.

5. Consortiums

- "[Anatomy of a Commission](#)" [Discussion Guide](#) to help organizations and individuals navigate the early stages of co-commissioning.
 - Key steps in setting up a consortium for a commission.
 - Lead commissioner facilitating the process.
 - Division of roles and responsibilities.
 - Financial and logistical management.
- [Donemus platform](#) for commissioning consortiums:
 - Establishing a platform where potential international commissioners can join forces.
 - International collaboration.
 - Logistical challenges and opportunities.

Other Resources

For more support please visit [ACF's website](#) and the [following resources](#) commissioned by ACF:

- [Digital Harmony: Mechanical Licensing & Royalties | Hosted by Serona Elton](#)
- [Anatomy of a Commission: A Modest Proposal from the Commissioner's Perspective](#)

- [Anatomy of a Commission: Rethinking Composer-Ensemble Commissions from a Visual Artist Perspective](#)
- [Anatomy of a Commission: Understanding the Institutional Perspective](#)
- [Anatomy of a Commission: Performers as Commissioners](#)
- [Anatomy of a Commission: Transcending a Capitalist Valuation of Commissioning Fees](#)
- [Anatomy of a Commission: A Composer's Guide to Orchestra Commissions](#)

And our friends at [BMI](#).

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<https://composersforum.org/#newsletter-block>

This session is supported in part with a grant from the National Endowment for the Arts, in addition to Augusta Gross and Leslie Samuels, and the Virginia B. Toulmin Foundation.