

# BMI

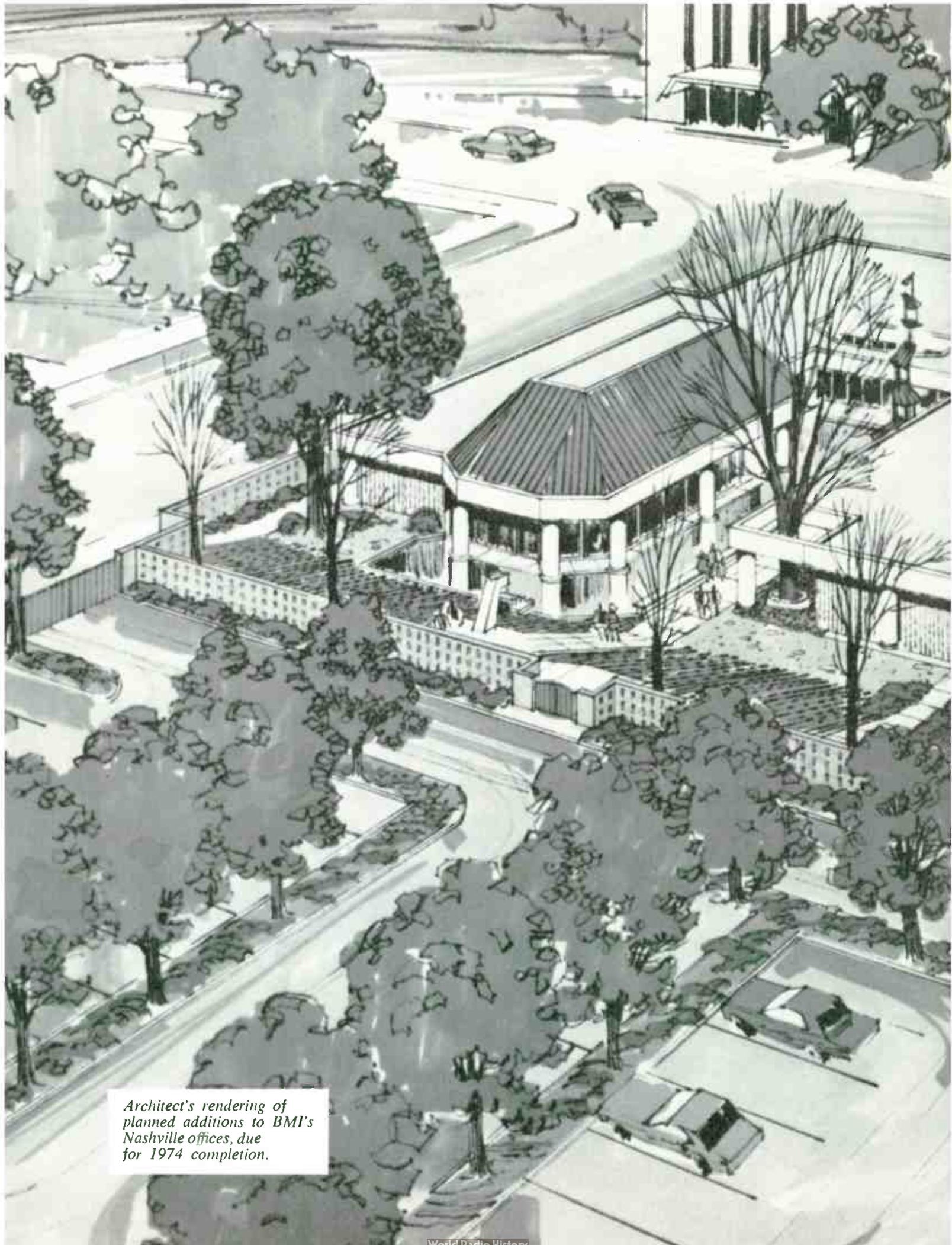
THE MANY WORLDS OF MUSIC  
ISSUE 3, 1973

Russell Sanjek—BMI Archives

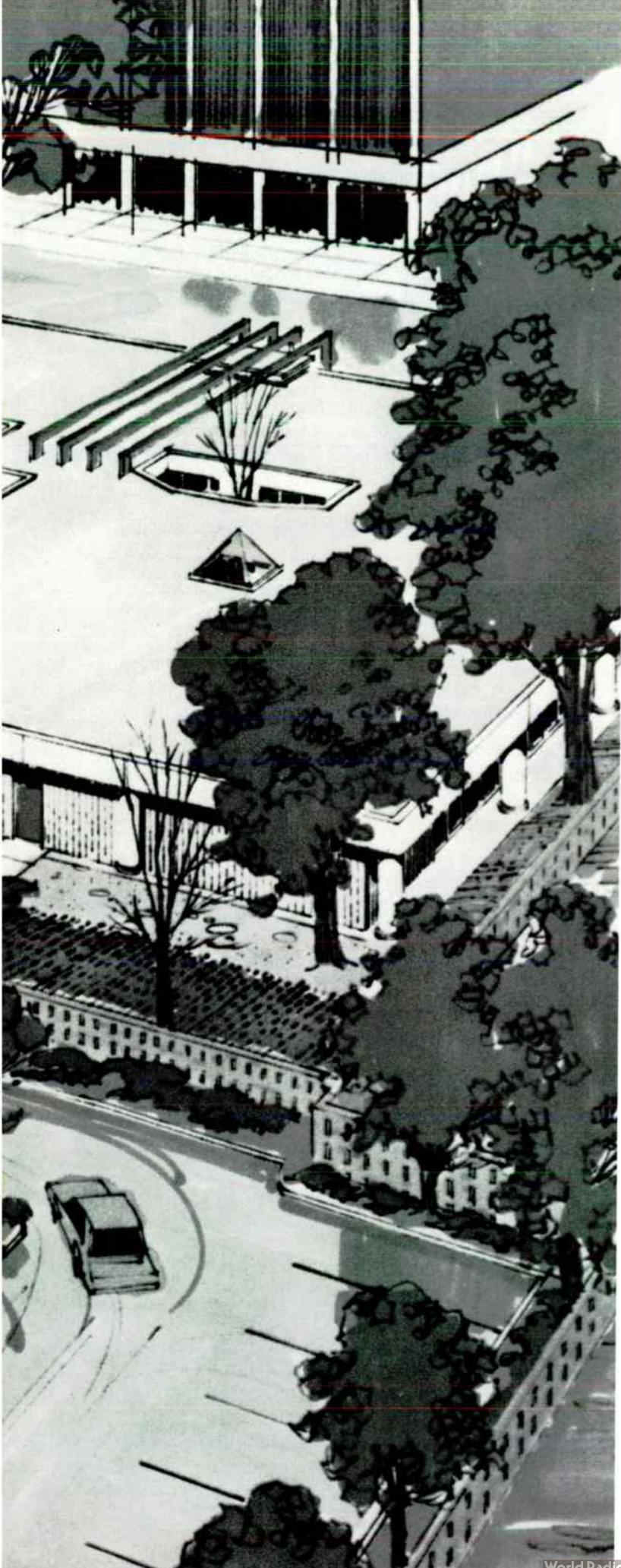


*THE OPEN DOOR OF BMI—SERVING MUSIC SINCE 1940*

World Radio History



*Architect's rendering of planned additions to BMI's Nashville offices, due for 1974 completion.*



# The Open Door of BMI

OVER three decades ago, BMI, with its founding, offered this statement of policy: "BMI is a completely new force in American music. It is also a means of giving you who make up the musical public an opportunity to hear its music and, most significant of all, an opportunity to grow familiar with the work of composers who previously have not been privileged to put their music before you. BMI has dropped the bars, and now the new, the young and those you may not have known, can bring you their songs."

With its door open to writers and publishers, BMI here explains the process of affiliation and information on what BMI is, what it does and where you, as a music creator, fit into the picture.

## WHAT IS BMI?

### **Q. What is BMI?**

A. Broadcast Music, Inc., more popularly known as BMI, is a performing rights organization.

### **Q. What is a performing right?**

A. It is the right granted by the U.S. Copyright Act to creators of musical works to license these works for public performance for profit. This right is one of a number of separate rights which the law gives to copyright owners. They include the right to authorize publication or recording of a work.

### **Q. Does BMI handle all these rights?**

A. No. BMI only handles performing rights.

### **Q. What does BMI do?**

A. There are upwards of 6,000 radio stations, 800 TV stations, 30,000 hotels, countless nightclubs and other places in the U.S. which perform music publicly for profit. It would be virtually impossible for an individual to license these himself. Therefore BMI acquires rights from authors, composers and publishers and, in turn, grants licenses to use its entire repertory to users of music. BMI collects fees from each user of music it licenses. It is our objective to distribute to our writers and publishers all the money we collect, other than what is needed for operating expenses.

### **Q. Is BMI a profit making organization?**

A. No. Although BMI is wholly owned by its stockholders, they don't receive dividends or any of the other benefits of corporate ownership.

continued



*BMI President Edward M. Cramer.*

## THE WRITER AFFILIATE: WHAT HE HAS TO KNOW

**Q. Where can the completely inexperienced writer, possibly with a song or songs unassigned, find initial information?**

A. Of course BMI will provide all the help it possibly can. But it is suggested that the writer also go to the public library and ask the librarian what is on hand relative to how to write, publish and market a song. There are quite a few published.

Watson-Guption Publications, Inc., 1 Astor Plaza, New York City, N.Y. 10036 (owned and operated by *Billboard*), publishes such books. Two of them are: *How to Get Your Song Recorded* and *This Business of Music*.

The writer might contact them for information on other titles. If you tell them what you're looking for, we're sure they have a publication to fit your needs.

**Q. Am I eligible to affiliate with BMI as a writer?**

A. If you have written a musical composition, alone or in collaboration with other writers, and the work is either commercially published or recorded or otherwise likely to be performed, you are eligible to apply for affiliation with BMI.

**Q. Why should I affiliate?**

A. Because if your works are being performed and you do not affiliate, BMI will be unable to pay you the performance royalties your song would earn.

*At BMI Nashville, advice and consultation for writers and publishers is a basic factor in the open door policy.*



**Q. What does it cost me to join?**

A. Nothing! BMI charges no fees or dues whatever to writers.

**Q. Where is BMI located?**

A. BMI has offices as follows:

40 West 57th Street  
New York, New York 10019  
212-586-2000

6255 Sunset Blvd.  
Hollywood, California 90028  
213-465-2111

680 Beach Street  
San Francisco, California 94109  
415-441-7255

150 S.E. Second Avenue  
Miami, Florida 33131  
305-377-9749

230 North Michigan Avenue  
Chicago, Illinois 60601  
312-263-5394

217 Montgomery Street  
Syracuse, New York 13202  
315-422-9101

710 Sixteenth Avenue, South  
Nashville, Tennessee 37203  
615-259-3625-6-7-8

**BMI CANADA, LTD.**

1440 St. Catherine St. W.  
Suite 324, Montreal 107, P.Q., Canada  
514-866-4937

41 Valleybrook Dr.  
Don Mills, Ontario (Metropolitan Toronto)  
Canada  
416-445-8700

1462 West Pender Street  
Vancouver 5, B.C.  
604-688-7851

BMI welcomes visits from affiliated writers. In each office, BMI personnel are ready and able to talk to you. You will find a warm and friendly atmosphere at every BMI office.

**Q. Does BMI take care of performances of my works outside of the U.S. and Canada?**

A. Yes. BMI has agreements with all important performing rights societies in foreign countries. If a work of yours is played, for example, in England, the British performing rights society will collect there and transmit the money to BMI for your account. The money will be paid to you after a 10% handling charge has been deducted.

*At Your Service: Key BMI Personnel. . .*



*Theodora Zavin, senior vice president, Performing Rights Administration, N.Y.*



*Oliver Daniel, vice president, Concert Music Administration, N. Y.*



*Frances Preston, vice president, who heads the BMI Nashville office.*



*Roger Sovine, director, Writer Administration South.*



*Helen Maxson, director, Performing Rights Administration South.*



*Del Bryant, assistant director, Writer Administration South.*



*Patsy Bradley, director, Publishers Admin. South.*



*Allan Becker, director, Musical Theater Department.*

**Q. How does BMI keep track of performances of my work?**

A. Networks furnish us with daily logs of all music performed. Because there are so many local broadcasting stations, it is impossible to keep track of everything each one of them plays every day of the year. Instead,

a scientifically chosen representative cross section of stations is logged each quarter. The stations which are being logged supply us with complete information as to all music performed. These lists or *logs* are put through an elaborate computer system which multiplies each performance listed by a *factor* which reflects the ratio of the number of stations logged to the number licensed. If, for example, BMI licenses 500 stations of a certain kind and ten of them were logged during a given period, every performance of a song listed would be multiplied by 50 and the writer and publisher would receive credit for fifty performances every time the work appeared on a log.

Television theme and cue music is logged with the aid of *cue sheets* prepared by the producer which list all music performed in the program. The number of performances of music in motion pictures, syndicated film series and certain other types of television shows are counted with the aid of cue sheets and the more than 80 TV Guides published in various parts of the country.

In the field of concert music, BMI secures the programs of symphony orchestras, concert halls, etc. to ascertain actual performances of works by all the BMI composers.

**Q. Is information available as to which stations are being logged at a given time?**

A. No. Even BMI personnel do not know which sta-

tions are being logged in a given month, until after the logging period is over. The selection of stations to be logged is made on the basis of a scientifically chosen sample, and communication with stations to be logged is done by an independent accounting firm.

Affiliated writers are invited to visit BMI's logging department so that they may see exactly how it works.

**Q. How are my royalties computed?**

A. BMI publishes a payment schedule of performing rights royalties. A copy of this schedule is given to you when you affiliate with BMI. If BMI should change its payment structure, a revised schedule will be sent to you.

**Q. How often do I get paid?**

A. Statements for broadcast performances in the U.S. and Canada are rendered to our affiliates four times each year. Statements reflecting foreign royalties are rendered semi-annually. Statements relating to live concert performances are rendered once a year.

**Q. How does BMI know what works I should be paid for?**

A. BMI supplies you with *clearance forms* on which you give us all relevant information with respect to each song you write, such as the names of the co-writers, the publishers, etc. This information enables us to identify the works for which you are entitled to receive payment.

For the affiliating writer: a selection of various forms and schedules.

**BROADCAST MUSIC, INC.**  
**WRITER PAYMENT SCHEDULE**

Following is the payment schedule in effect as of January 1, 1972. It does not constitute a modification or amendment of any agreement to which BMI is a party. The rates described are subject to change at any time.

**U. S. RADIO FEATURE PERFORMANCES**

	Local A M		Local F M	Net
	Group 1	Group 2		
Popular Song				

**APPLICATION FOR WRITER AFFILIATION**  
**BROADCAST MUSIC, INC.**  
 WRITER ADMINISTRATION DEPARTMENT  
 40 WEST 57th STREET  
 NEW YORK, N. Y. 10019

1. NAME: MR. MRS. MISS (First Name) (Middle Name or Initial) (State) (City)

ADDRESS (City)

**BROADCAST MUSIC, INC.**  
 40 West 57th Street  
 New York, N. Y. 10019

Date

**Writer Clearance Form**  
 Broadcast Music, Inc., 40 West 57th Street, New York, N. Y. 10019  
 Att. Index Department  
 Your Social Security Number or Tax Account Number

1. [ ]

2. TITLE ONE WORK PER FORM

3. A  BASED ON PUBLIC DOMAIN GIVE ORIGINAL TITLE AND SOURCE

3. B CHECK IF WORK IS FROM:  MOTION PICTURE  BROADWAY SHOW  OFF BROADWAY SHOW

4. WRITER NAME(S) LAST FIRST MIDDLE GIVE TITLE OF FILM OR SHOW

5. WRITER ADDRESS(ES) Part Rec 6

DO LOGIC INDEX CREDIT RATE NON WORLD DO NOT ANNOUNCE

World Radio History



*Some views of the Index Department: above, checking an individual song. There are well over one million titles on file in huge, automated cabinets, one bank shown at right.*



*William Haywood, director, Index Department.*



*Total computerization of BMI's records is near completion. Above, left, a view of the modern computer facilities. To the right, a view of the data entry operation.*

**Q. Is reporting my compositions to BMI's Index Department a key element in my relationship with BMI?**

**A.** Yes. Each composition should be reported as soon as it is published and/or recorded, so that BMI has up-to-date information on the works licensed for a writer and/or publisher. BMI's ability to license and log a composition depends on accurate information of this sort.

**Q. Does BMI promote my music?**

**A.** No, that is the function of the music publisher.

**Q. Does BMI place my music with a publisher?**

**A.** No.

**Q. Does BMI have anything to do with licensing or collecting royalties for records?**

**A.** No.

**Q. Is there a standard contract that all BMI writers and publishers use when a writer gives a song to a publisher?**

**A.** No.

*continued*

**Q. Will BMI give me legal advice on a contract?**

A. No. Legal advice should be obtained from your own lawyer.

**Q. Will BMI find me a collaborator?**

A. No. BMI has found that a true and successful collaboration is best achieved by the collaborators.

**Q. May I collaborate with a writer member of a foreign performing rights organization?**

A. Yes. If you collaborate with a writer member of a foreign performing rights organization, that writer will be paid by his own society and you will be paid by BMI.

**Q. May I collaborate with a writer who is affiliated with no society?**

A. Yes. However, your collaborator will have no way to collect performance royalties of your jointly written work unless he affiliates with BMI.

**Q. May I collaborate with a writer who is an ASCAP member?**

A. Yes.

**Q. What is the duration of the usual contract between BMI and a writer?**

A. Two years. At the end of the term the contract is automatically renewed unless either you or BMI gives notice 60 days before the termination of the contract.

**Q. When I affiliate with BMI, may I write under a pseudonym?**

A. Yes. Indeed, if yours is a very common name such as John Jones or William Smith, it is often better to use a pseudonym as a means of surer identification. Be certain to list all pseudonyms on your application.

List your proper address as well. If you move, send us your new address immediately. This will ensure your receiving royalty statements and checks promptly.

**Q. Can a writer join another performing rights organization while affiliated with BMI?**

A. No. A writer may not affiliate with more than one licensing organization, foreign or domestic, at the same time.

**Q. If my name is listed incorrectly, or left out entirely, on a record label or in the trade papers, will I lose out on my performance payments?**

A. No! If an error has been made on a record label or in a trade paper you should promptly notify both BMI and the record company or trade paper involved. If you do this and if you have properly submitted the clearance forms previously described, no error in record label copy or trade paper listing can affect your royalty payments. It is the information given to BMI on the clearance forms submitted by both the writer

and the publisher that enables us to identify your works and pay for performances.

**Q. May I assign my royalties to another party?**

A. By no means! BMI will not normally recognize an assignment of performance royalties. This rule is made to protect *you*.

**Q. In addition to collection of my performance royalties, does BMI provide any other services for affiliates?**

A. Yes. For example:

(1) For writers interested in writing for the musical theater, BMI maintains a Musical Theater Workshop. Workshops are presently being held in Beverly Hills, Calif., Toronto and New York City. Admission to the workshop is determined by BMI management. There is no cost to the writer.

(2) For composers of concert music, BMI publishes brochures listing their works, recordings and major performances. These are distributed to orchestra conductors, colleges and universities, music critics, etc.

(3) BMI publishes a magazine, "The Many Worlds of Music," which, in pictures and articles, illustrates the organization's multiple interests, its accomplishments and achievements and those of its authors, composers and publishers.

(4) BMI Awards to Student Composers: In order to encourage and aid young composers, BMI annually awards scholarship grants to the best young student composers of concert music.

(5) Varsity Show Competition: BMI annually gives an award for the score of the best college musical or varsity show written by undergraduates.

(6) Protection against *songsharks*. In BMI's opinion, any publisher who charges a writer a fee for publication, recording or any other services connected with the exploitation of a song is what is known in the trade as a *songshark*. BMI's contracts with publishers call for cancellation of the contract if the publisher is guilty of *songsharking*.

(7) BMI is actively engaged in working for improved copyright laws and similar matters of importance to the creators of music.

## BMI AND THE PUBLISHER

**Q. What are the criteria for publisher affiliation?**

A. Over the years, our experience has been that such affiliation will be of practical benefit only to a publisher who has the ability and financial resources to undertake broad-based exploitation of his works.

We require that our affiliates satisfy reasonable standards of literacy and integrity.



*The BMI Logging Department, where the use of music on radio and TV is carefully ascertained. Paul Rosenthal (inset) directs the operation.*

At the time of affiliation, applicants should have some musical compositions being performed—or likely to be performed—by broadcasting stations or in other public performances.

If, in the opinion of BMI, you meet these basic qualifications an affiliation contract will be offered.

Under this contract the affiliated publisher assigns the exclusive performance rights of all the works in his catalog to BMI. In turn, BMI will license these performance rights to radio and television stations and to other users of music. The agreement provides for payment to the affiliate of royalties on the basis of logged broadcasting performances of his works.

**Q. Is there a charge to affiliate as a publisher?**

A. It is the general practice of performing rights organizations to impose an annual charge on all publishers. BMI does not follow that practice; instead, there is an *initial* charge of \$25.00 which partially defrays the administrative costs involved in affiliation. This charge is made only at the time of affiliation and is neither refundable nor deductible from earnings.

**Q. What are the steps to publisher affiliation?**

A. After a completed application is returned to BMI, there is an overall check made to see if all the items are answered satisfactorily. Then, basic agreement forms, in duplicate, are sent to the applicant for completion and signature. Both copies are then returned to BMI for countersignature.

**Q. What happens then?**

A. The contracts are then signed by a representative of BMI and a fully executed copy is sent to the publisher for his files. In addition, the publisher receives instructions and forms relating to the registration of titles for clearance. Material and information regarding sub-publishing is included, as is a list of foreign licensing societies with which BMI has agreements.

**Q. What procedures must a publisher follow upon affiliation?**

A. In order to reap the full benefits of the agreement, the publisher must take a series of steps to give BMI the information necessary to log and pay for works. The steps are as follows:

- (1) *Register your active works for clearance with BMI immediately.*

It is essential that the publisher carefully follow instructions relating to the completion of clearance forms provided. The forms are then filed with BMI's Index Department.

- (2) *Register each new work for clearance with BMI promptly.*

Every new work which the publisher acquires should be registered with the Index Department prior to its anticipated performance or prior to the date of its publication, the release of the first recording or exhibition of any film or tape with which the work is synchronized. A copy of the music and two copies



*Pee Wee King (l.) and Redd Stewart are honored for their song, 'Tennessee Waltz' in 1959. Representing BMI at the Nashville dinner were Frances Preston, Robert Sour and Robert J. Burton.*



*1972: Frances Preston and Kris Kristofferson. The writer holds the coveted Burton Award for his most performed song, 'Help Me Make It Through the Night.'*

of the Publisher Clearance Form should be sent to the Index Department for each such work acquired. The clearance procedure is absolutely necessary. Until the publisher has cleared the work, music users are not aware that his music is available to them for performance. Furthermore, until the work has been cleared, BMI's Logging Department cannot credit the publisher with performances of his work. When the publisher has cleared a work, he is notified of its receipt by the Index Department. The publisher should watch for this notification so that he may be sure his clearance forms have been received and duly registered.

*(3) Notify BMI when a song has been recorded.*

In addition to the above registration, it is necessary that the publisher also notify the Index Department as soon as a work has been recorded. One copy of the record card provided by BMI is forwarded to the Index Department. Each additional recording requires an additional card.

*(4) Notify BMI if a song is used in a motion picture or in a filmed television program.*

If a work from the publisher's catalog is used in a motion picture or a filmed television program, the usage of such material is reported on a *music cue sheet* prepared by the producer of the film. This sheet will list how the selection was used and the duration of the performance(s). When such a usage of a work from the publisher's catalog occurs, the *music cue sheet* should be sent to the Index Department. In the case of cue and background music it is not necessary to submit either clearance forms or lead sheets unless specifically requested by BMI.

*(5) Performances of works abroad.*

BMI has agreements with a number of foreign performing rights societies. These societies log and pay

BMI for performances in their territories of the works that are in the BMI repertoire. Foreign societies, as a rule, divide performing royalties into a publisher's share and a writer's share. When a publisher assigns any of his works to a foreign publisher, the agreement between him and the foreign publisher should state that he has granted performing rights to BMI and should set forth what percentage of the *publisher's share* each is to receive. The agreement should also specify whether the publisher's share will be collected on his behalf by the foreign publisher or whether it is to be paid by the foreign society to BMI for his account. Further, the agreement should stipulate the duration of the sub-publication assignment and the territory covered by it. BMI, after deducting 10 per cent of the total for administrative expenses, will remit the publisher's share received from abroad.

In order for the publisher to secure the benefits of agreements made with BMI, it is essential that BMI give full information to foreign societies. It is imperative that the publisher, at the time of affiliation, send BMI a list of all compositions in his catalog in which he may have heretofore granted foreign performing rights. Report form F-1 should be used in listing such compositions.

In the future, when he enters into any publisher agreements which may involve these territories, he should use form F-1 to notify BMI immediately so that a proper claim for performing royalties may be made. Failure to give this information to BMI promptly may result in loss of royalties. Copies of form F-1 are always available from BMI's Foreign Department.

*(6) Acquiring works from abroad.*

BMI's agreements with foreign societies also enable BMI publishers to secure performing rights for the United States and Canada in works written or pub-



# In 1940 BMI knew you'd make it.

We heard you pickin' and singin' in the country. But the Old Establishment chose not to listen.

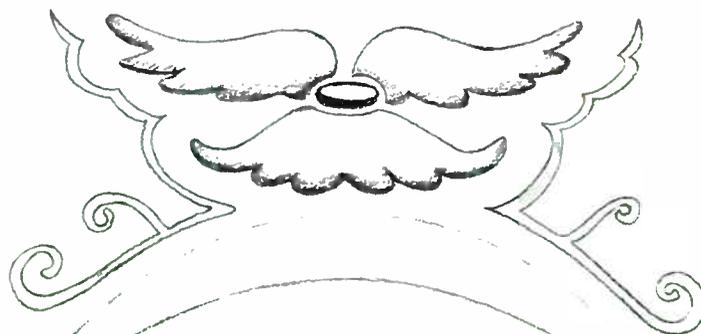
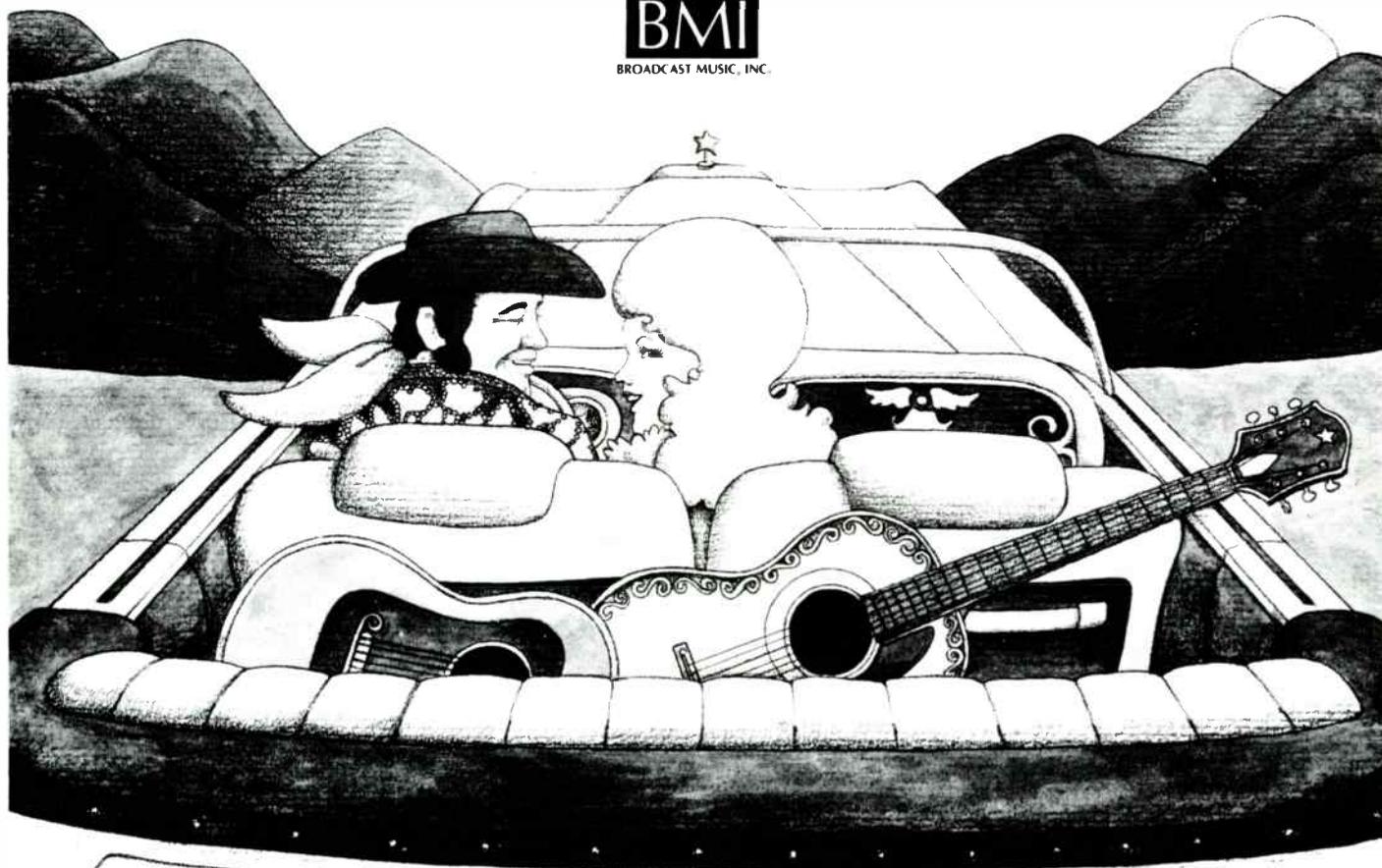
When Broadcast Music Incorporated was founded in 1940, life began to change. For the first time, Country writers and publishers had a way to protect the performance rights on their songs, and collect royalties on them. After years of being dismissed as worthless hillbillies, there was a place where you could go and find respect. America's soul had finally sprung from its native soil.

As Paul Hemphill writes in his book, *The Nashville Sound*: "It is poetic that BMI and the Country Music Association would stand shoulder to shoulder at the top of Music Row, like two Statues of Liberty, because not until BMI was formed... did it become possible for country songwriters to make a decent living."

We've come a long way since then. And we've done it together. BMI still believes in the American Country Dream. A barefoot boy with a fiddle can still grow up to be a star.

**BMI**

BROADCAST MUSIC, INC.



Big John