

Meet The Composer Commissioning Music: A Basic Guide



An Introduction to Commissioning

To commission music means to pay a composer to write a particular composition for a specific purpose or event. Anyone can commission music, and any type of music can be commissioned.

Choose a composer whose music moves you and who can write for the occasion and the instrumentation you have in mind. Contact candidate composers or their publisher to request samples of their music.

Base the commission fee on the length of the work, number of performers, the budget of the commissioning party, and the composer's reputation. Consult the schedule of fees in this guide and seek professional advice. Remember, fees are determined by negotiation.

Keep music copying costs separate. The costs of copying the score, extracting instrumental parts, and duplicating these materials are the commissioning party's responsibilities.

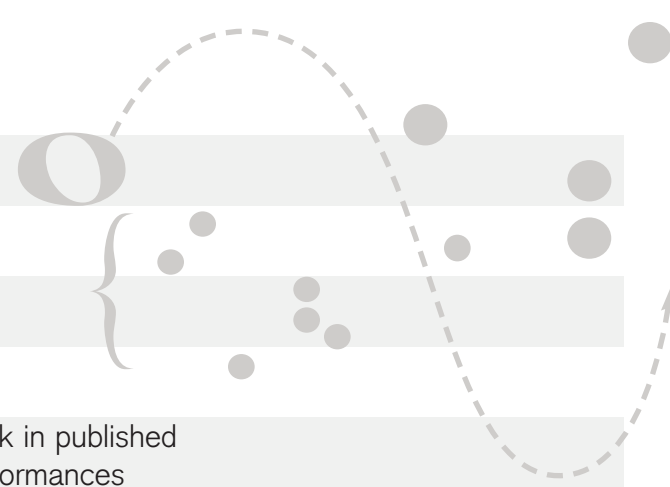
Performing and recording costs and personal appearance fees are separate from the commissioning fee and should be agreed on in advance. Establish the terms of the composer's involvement in advance for rehearsals, recordings, and public presentations.

The composer owns the commissioned work and all rights to its use under U.S. and/or International Copyright Law. The composer derives income from the licensing fees paid for use of a work in performance, publication, and recording. Composers generally retain their original manuscripts (or digital files of electronic works), though they may give copies to commissioners. Instrumental parts belong to composers or their publishers, although commissioners may have exclusive use of them for a period of time. Possession of printed or recorded music does not confer rights to performance, publication, or recording.

All performances must be licensed, including the premiere. Most composers belong to a performing rights society—ASCAP, BMI, or SESAC in the U.S.—which license their music for public performance and broadcast. The societies collect blanket fees from producers and presenters of music to license entire repertoires. If neither the commissioner nor the performer has the appropriate license, an individual license must be obtained directly from the composer or the composer's performing rights society.

Grand Rights cover theatrical or musico-dramatic performance, including opera and dance, and must be licensed directly from the composer or publisher.

The Commissioning Party may negotiate rights such as:

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- exclusive right to give premiere performances
 - exclusive performance rights for a limited period
 - exclusive right to give premieres in other cities
 - right to make the work's first commercial recording
 - right to be credited as the commissioner of the work in published editions, recordings, and programs of all future performances

Funding for commissions is available from many governmental, foundation and private sponsors, including Meet The Composer. Costs can be reduced when several organizations co-commission a work, which also ensures multiple performances. When large fees are involved, commissioning agreements are best negotiated with the help of an attorney. For smaller commissions, Meet The Composer or other organizations can provide sample agreements to use as a model. Major points to cover in any commissioning agreement include:

- identification of all parties
- description of the work: type, length, instrumentation
- fee and method of payment to the composer (generally 50% upon signing the agreement and 50% upon delivery of the score)
- cost allowances and payment schedule for extracting and duplicating parts and/or producing a recording, generally payable on delivery of parts or recording
- statement that the composer is not an employee, and is not working “for hire”
- limit of composer’s liability should the score not be completed
- composer’s warrant that:
 - › he/she will obtain all rights to copyrighted material used in the work
 - › that the work will infringe no existing copyright
 - › that the contract contravenes no existing agreements
- the commissioning party’s commitment to perform the work within a certain time period
- fees and travel expenses for the composer’s assistance in preparation and presentation of the work
- licenses granted to the commissioning party (including performance, recording, broadcast, or other uses)
- time periods when exclusive rights are held by the commissioning party
- ownership of score, parts, and recordings
- rental fees for use of parts, if any (customarily waived for the premiere)
- form of the composer credits for use in programs, on recordings, and for advertising
- form of credit and dedication to the commissioning party
- responsibility for promotion, advertising, and exploitation of commissioned work
- method for resolving disputes, including the specific state law under which the agreement will be interpreted

Permission and/or licenses must be obtained for the use of existing texts or samples (i.e. a portion of an existing recording) in the commissioned work. Commissions that will be adaptations of an existing work (film, play, novel, etc.) also require special permission from the copyright owner. Commissioning agreements should specify who will be responsible for obtaining necessary permissions, licenses, and associated costs. Composers and commissioners should determine (with the help of legal counsel if needed), what permissions and licenses are necessary, and obtain these before work on the composition begins. *This Business of Music* by M. William Krasilovsky and Sydney Shemel is a useful guide to legal aspects of the music industry for both composers and commissioners. It gives full detail on the above and additional topics.

Fees and Practices by Genre

These tables are intended as a basis for negotiation. Meet The Composer does not act as agent, manager, or legal counsel. Composers and commissioners should seek legal counsel and investigate market rates for commissions in their own areas.

The figures are based on Meet The Composer's research and represent the current range of fees. Emerging composers receiving their first commissions may accept lower fees, while a number of highly marketable composers demand much higher rates. All fees are negotiable. There is a composer for every commissioning budget.

The figures do not include costs for music copying, musicians, production, or recording; those costs are assumed by the commissioning party or performers.

Concert Music and Jazz

Income from repeated performance of concert works is speculative. Most composers depend primarily on commissions.

Instrumentation	Under 10'	10–25'	Over 25'
Solo or Duo	\$2,000–\$4,500	\$3,000–\$14,000	\$8,000–\$18,000
Piano Solo or Duo with instrument or voice	\$2,500–\$6,500	\$5,000–\$13,000	\$9,000–\$26,000
Tape or Electronic Solo	\$2,500–\$10,500	\$7,000–\$21,000	\$12,000–\$32,000
Trio or Quartet	\$4,000–\$10,000	\$6,000–\$22,000	\$12,000–\$32,000
Ensemble of 5 to 10	\$5,000–\$13,000	\$7,500–\$23,000	\$17,000–\$32,000
Chorus	\$4,000–\$14,500	\$6,500–\$25,000	\$14,000–\$35,000
Small Chamber or Jazz Orchestra or Band (10–22 players)	\$6,000–\$14,000	\$10,000–\$26,000	\$17,000–\$31,000
Large Chamber or Jazz Orchestra or Band (22–40 players)	\$8,000–\$19,000	\$10,000–\$42,000	\$22,000–\$58,000
Full Orchestra Concerto or chorus: Add 20–30%	\$9,000–\$24,000	\$13,000–\$60,000	\$28,000–\$95,000

When solo voice or a substantial electronic part is included in any of the above ensembles, add 20-30% to the indicated fee.

Theater, Opera, and Dance

Commission fees, royalties, and box-office share are all negotiable, and are treated differently for theater, opera, or dance (described below). Fees paid up front are balanced against future income from performance, recording, or broadcast of the commissioned work.

The fees suggested are for the creation of original music only. If a composer also acts as sound designer and/or music director, separate or additional fees should be negotiated.

Permissions and/or licenses for use of existing text or adaptations of existing works under copyright should be obtained **before work on the commission begins**. Copyright owners may include authors, publishers, literary executors, or agents. They may not agree that a work is suitable for musical adaptation or may have already granted permission to someone else. They are entitled to request both up-front fees and a portion of any royalties.

Music for Theater/Incidental Music

The following range of commissioning fees depends on the amount of music needed. Individual composers may accept less, or command more. In addition, for shows with indefinite runs, royalties are generally paid per performance.

Regional Company	\$3,000–\$10,000
Off Broadway	\$3,000–\$6,000
Broadway	\$5,000–\$12,000

Musical Theater

An advance against royalties may be negotiated. This can be up to \$10,000 or more for an experienced musical theater composer. The royalty is a negotiable percentage of gross box office receipts. The Dramatists Guild contracts with Broadway producers and theaters specify that Author (the composer, book-writer, and lyricist are collectively referred to as “Author”) receive 4.5% pre-recoupment (i.e. until producers recoup their investment) and 6% post-recoupment. In Off-Broadway and regional theaters, it is not uncommon for Author to receive 6%, with 1-2% increase after recoupment in for-profit productions. Royalties in non-profit theaters generally work the same way. How the Author royalty is split, as well as rights for any future exploitation of the work, are usually covered in collaboration agreements.

An alternative arrangement known as a “profit pool” is becoming the standard, particularly for musicals. In a profit pool the composer is part of a group of royalty participants. Other royalty participants include the book writer, lyricist, director, choreographer and others. Royalty participants are paid a share of 40% of box office receipts minus operating expenses. The other 60% is distributed entirely to investors pre-recoupment and split equally between producers and investors post-recoupment. Consult the Dramatists Guild or an experienced attorney for guidance on these complex arrangements.

Opera

Because revivals of new operas are relatively rare, most composers rely primarily on commissions. Fees depend on the length of the work and the kind of company offering the commission. Librettist fees can be a separate flat fee or a percentage of the composer’s fee, typically 15-30%. The ranges below are inclusive of librettist fees. Librettists also receive a portion—traditionally half—of any royalties for the work. Composers and librettists should enter into a collaboration agreement that specifies details of copyright ownership, the merging of the copyright in the completed work, and royalty arrangements.

One-Act Opera		Full-Length Opera	
Small Company	\$15,000–\$50,000	Small Company	\$40,000–\$150,000
Large Company	\$25,000–\$150,000	Large Company	\$150,000–\$500,000

Grand rights for performances after the premiere are negotiated with the composer or publisher in one of three ways: as a flat fee for the run; based on the number of seats in hall; or as a percentage of box office gross income.

Dance

Consult the Concert Music and Jazz table above (see anticipated instrumentation). The prospect of grand rights income may induce the composer to accept reduced fees when composing for dance. See *Meet The Composer’s Music for Dance: Composer-Choreographer Collaboration* for more information on composing for dance and on licensing music for dance performances.

Film, Broadcast, and Video Games

Film and television composers must be capable of organizing every aspect of production and providing finished recordings on very tight schedules. The composer must think carefully about what future their work may have, because the initial fee varies considerably depending on what rights the composer retains to income from the music. Money received up front may not be as important, for instance, as retaining copyright ownership, or the exposure a project will bring. What follows is an outline of general practice in a complex field. For full details, prospective film and television composers should consult colleagues, and engage an experienced entertainment lawyer or agent in negotiating with studios and producers.

Film

The composer's fee can be either a negotiated figure or part of a "package"—i.e., the portion of the music budget remaining after paying musicians, producing a soundtrack, and buying rights to existing music. Music budgets range from 1% to 10% (usually 3-5%) of overall budget. In studio films, the composer works "for hire" as the producer "buys out" all rights to music. With independent films and documentaries the composer can often negotiate certain rights in exchange for a lower fee. Credits as performer, orchestrator, and leader allow the composer to receive a package of benefits through the American Federation of Musicians. Screenings in the United States do not produce composer royalties, but the performing rights societies collect licensing fees for their member composers for television broadcasts and screenings abroad—which can amount to a considerable income if composer has retained publishing rights.

The following ranges indicate typical net composer fees, depending on film budget, rights retained, and composer's prestige. A composer seeking exposure may accept less.

Major Studio Film	\$90,000–\$1,000,000
Independent Feature Film	\$10,000–\$200,000
Independent Short Film	\$1,000–\$5,000
Documentary	\$5,000–\$30,000

Television

As in film, the composer's fee is usually negotiated as part of a "package"—i.e., the portion of the music budget remaining after paying musicians, producing a soundtrack, and buying the rights to music. Performing rights societies pay composer royalties on "performances" (broadcasts)—more for networks and cable, less for public television. Credits as performer, orchestrator, and leader allow the composer to receive a package of benefits through the American Federation of Musicians. The following ranges represent what a composer typically nets. A composer seeking exposure may accept less.

30-minute series episode	\$1,250–\$12,000
60-minute series episode	\$3,000–\$25,000

Commercials and Logos

Most music heard in commercials is created by production houses which employ composers “for hire” and hold all rights to their music. The composer’s Creative Fee can be as much as 25-50% of the overall music budget, although typically this is shared with contributing producers. Other than national network spots, performing rights societies do not always log broadcast of commercials, so the composer’s future income depends on royalties as composer, paid by producer, and American Federation of Musicians recording payment as performer, arranger, or leader. The following ranges represent what a composer typically nets. A composer seeking exposure may accept less.

Regional Commercial	\$1,000–\$4,000
National Commercial	\$3,000–\$15,000
Logo (Corporate/Product Identity)	\$5,000–\$50,000

Production Music Libraries

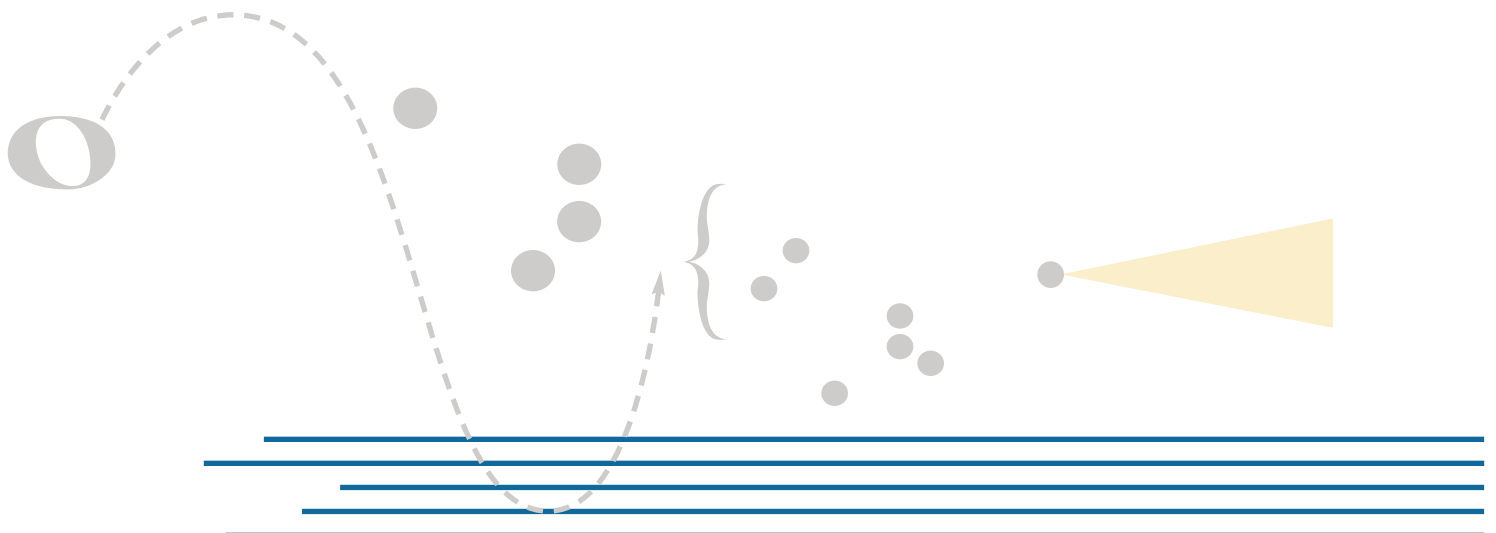
Production Music Libraries offer media producers a collection of pre-recorded tracks that can be licensed for a pre-determined fee. Composers are usually hired to create music under a “work-for-hire” agreement, retaining the right to collect the writer’s share of performance fees from broadcasts of their music.

While revenues are typically less than from original compositions, the growing popularity of production music libraries and the panoply of music styles they require has provided opportunities for many composers to augment their careers with this type of work.

Three-minute finished track (all midi/samples)	\$1,250–\$12,000
Worldwide Performing Rights Organization payments	\$3,000–\$25,000

Video Games

Composers are paid on a per-minute basis. A typical game may require anywhere from 20 to 80 minutes of music. Per-minute fees range from \$500 up to \$2,500. Some game studios will hire multiple, non-collaborating composers for a single title or use existing music. Composers are hired on a “work-for-hire” basis and usually do not retain publishing rights. In most cases the up-front fee will be the only income a composer receives as video games rarely offer opportunities for royalty income.



Copying and Printing Costs

The commissioner is responsible for paying for the preparation of performance materials. That typically means the copying of a score and parts using music notation software. In some cases a composer may do this work themselves, or they may do part of the work and hire others to finish the task. No matter who does the work, it is the responsibility of the commissioner to pay for copying costs.

Factors that influence copying costs include:

- the complexity (i.e., amount of detail) in the music
- the tempi and length of the piece
- the instrumentation
- the style of orchestration (some composers use many orchestral instruments all the time, resulting in a thicker texture that requires more pages in the score and parts)

If the commissioned composer will produce the performance materials, plan on copying costs of 10%-30% of the commissioning fee. This is a separate fee, over and above the commission, that is negotiated with the composer and specified in the commissioning agreement.

If engaging a professional copyist, use this chart to calculate a rough estimate. Rates will vary in different markets. Contact copyists in your area for an estimate specific to the commission in question during contract negotiation.

Ensemble Size	Per-Minute Estimate ¹
Solo	\$75-\$100
Small to Mid-Sized Ensemble	\$100-\$200
Large Ensemble or Orchestra	\$300-\$700
Opera	\$300-\$500 ²

¹ The factors listed above dictate how the costs fit within these ranges.

² Piano/vocal scores are usually paid for separately and range from \$8,000-\$14,000; this usually involves the copying and additional work of reducing the music from full score to piano.

Printing costs vary depending on the number of pages, size, and the type of binding. A score and parts to an orchestra piece might cost a few hundred dollars, an opera (including piano/vocal scores) over \$1,000.

The Major Orchestra Librarians' Association produces a guide with recommendations for the preparation of musical performance materials for orchestras (see "Publications" below). This may be useful for composers preparing their own performance materials. Commissioners may find it helpful in illuminating the complexity and costs involved in music preparation. Any preferences or requirements expressed by commissioning musicians or ensembles, however, should take priority.

Resources

Organizations offering information about commissioning, fees, and composer income

American Society of Composers, Authors, and Publishers (ASCAP)

1 Lincoln Plaza
New York, NY 10023
(800) 952-7227 | www.ascap.com

Dramatists Guild, Inc.

(for theater and musical theater)
1501 Broadway, Suite 701
New York, NY 10036
(212) 398-9366 | www.dramatistsguild.org

Broadcast Music Incorporated (BMI)

320 West 57th St.
New York, NY
(212) 586-2000 | www.bmi.com

Society of Composers and Lyricists

(for film and television)
8447 Wilshire Blvd., Suite 401
Beverly Hills CA 90211
(310) 281-2812 | www.thescl.com

SESAC, Inc.

55 Music Square E.
Nashville, TN 37203
(615) 320-0055 | www.sesac.com

Volunteer Lawyers for the Arts

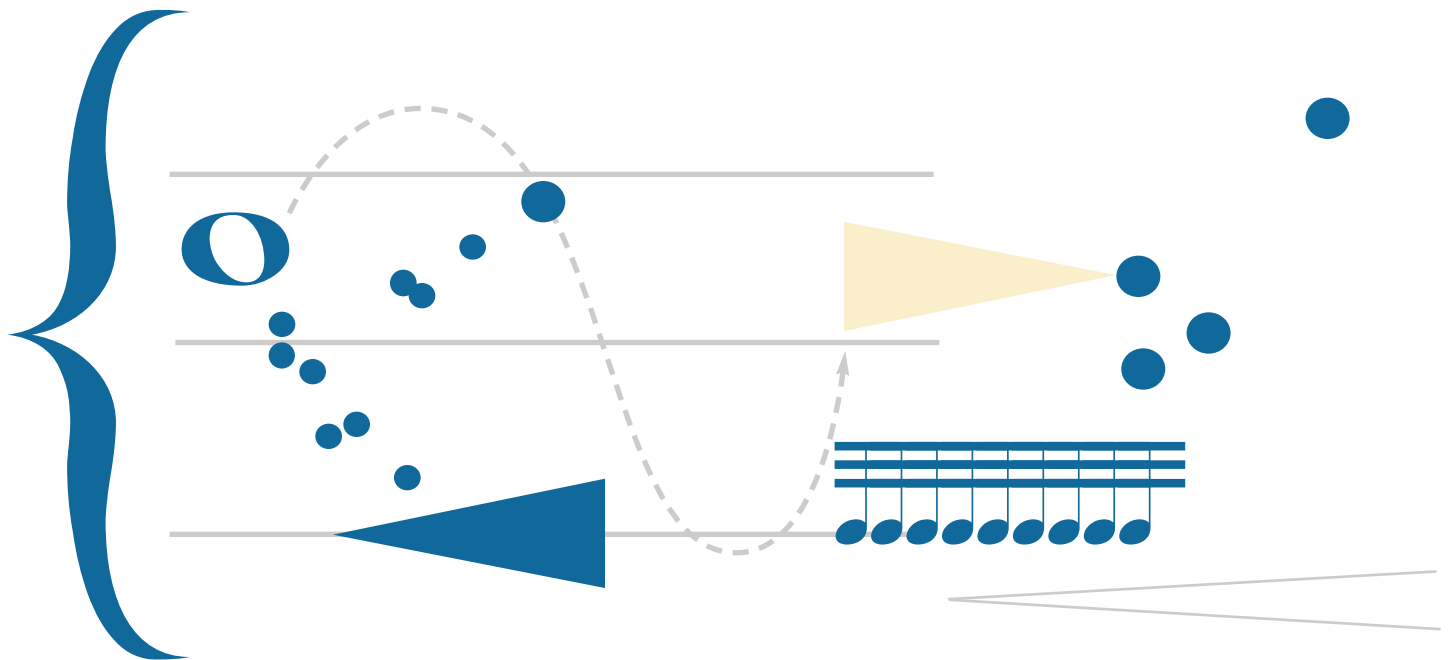
(low-cost legal advice for artists)
1 East 53rd St., 6th Floor
New York, NY 10022
(212) 319-2787 | www.vlany.org

Publications

This Business of Music, M. William Krasilovsky and Sydney Shemel, Billboard Books, 2007

MOLA Guidelines for Music Preparation, Major Orchestra Librarians Association available at <http://mola-inc.org/m/articles/view/Music-Preparation-Guidelines-for-Orchestral-Music>

Music for Dance: Composer-Choreographer Collaboration, Meet The Composer available at <http://meetthecomposer.org/publications>



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Meet The Composer supports the creation of new musical work and the engagement of new work with people and communities throughout the United States. We are motivated by a core belief that interaction with a living composer and his or her music has the power to invigorate and inspire musicians and audiences alike.

MTC was founded in 1974 as a project of the New York State Council on the Arts. Led by the visionary composer John Duffy, Meet The Composer soon became an independent organization dedicated to the idea of composers as active professionals with a central role in our country's musical culture. In the more than thirty years since, MTC has grown to become a truly national organization, serving in all fifty states composers and audiences of a thrillingly broad range of new music.

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