

## Commissioning Music: A Basic Guide



To commission music is 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 composer's reputation, length of the work, number of performers, and the budget of the commissioning party. Consult the schedule of fees in this guide, seek professional advice, and remember, fees are always negotiable.

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

Plan for performance or recording and agree on the composer's involvement in rehearsals and public presentations. Performing and recording costs and personal appearance fees are separate from the commission and should be agreed on in advance.

The composer owns the commissioned work and all rights to its use under US and/or International Copyright Law. The composer derives income from licensing its use in performance, publication, and recording. Composers generally retain their original manuscripts (or original tapes of electronic works), though they may give copies to commissioners. Instrumental parts belong to composers or their publishers, but 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—in the US: ASCAP, BMI, or SESAC—which licenses their music for public performance and broadcast. The societies collect blanket fees from producers and presenters of music to license their 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 rights society.

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

Commissioning Party may negotiate rights such as:

- exclusive right to give premiere performances
- exclusive performance right for a limited period
- exclusive right to give premiere in other cities
- right to make work's first commercial recording
- right to be credited as commissioner 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. Commissioning agreements are best negotiated with aid of an attorney. Major points to cover include:

- identification of parties
- description of work: type, length, instrumentation
- delivery dates for completed work and parts and the date of the premiere
- fee and method of payment (generally 50% on signing agreement, 50% on delivery of score)
- cost allowances and payment schedule for extracting and duplicating parts and/or producing a tape, generally payable on delivery of parts or tape; and stipulations for quality of copying or recording
- statement that composer is not an employee, and is not working "for hire"
- limit of composer's liability should 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, and that the contract contravenes no existing agreement
- commissioning party's commitment to perform work within a certain period
- fees and travel expenses for composer's assistance in preparation and presentation of the work
- licenses granted to commissioning party (including performance, recording, broadcast, or other uses) and periods of exclusive rights
- ownership of score, parts, and tapes
- rental fees for use of parts
- form of composer credits in programs, recordings, and advertising
- form of credit and dedication to commissioning party
- responsibility for promotion, advertising, and exploitation of commissioned work
- method for resolving disputes, including state law under which the agreement will be interpreted

## Schedule of Fees

# STANDARD FEES

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 represent the current range of fees based on Meet The Composer's research. 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, which are assumed by the commissioning party or performers.

Copying costs vary widely and many composers make use of notation software to do their own copying. Even if this is the case, copying costs should be paid to the composer in addition to the commissioning fee. Costs are estimated in a variety of ways: by measure, by page, by number of staves or systems on a page, etc. A good rule of thumb is to assume 30 measures per minute of music then multiply by the per-measure costs below.

- Piano solo or w/one or two inst.                      \$1-3/measure
  - Choral    \$3-4/measure
  - Small Chamber Ensemble                              \$3-4/measure
  - Large Chamber    \$4-5/measure
  - Orchestra    \$5-10/measure
  - Instrumental Parts                                        \$.15/measure
- (multiply again by the number of instruments and add to the cost of the full score)

## Concert Music and Jazz

# CONCERT/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   | \$9,000-24,000 | \$13,000-60,000 | \$28,000-95,000 |
| Concerto or chorus:  | Add 20-30%     |                 |                 |
| When solo voice or a substantial electronic part is included in any of the above ensembles, add 20-30% to the indicated fee. |                |                 |                 |

## Theater

# THEATER

Commission fees, royalties, and box-office share are all negotiable, and are treated differently for theater, opera or dance (as 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.

### Music for Theater

The following range of commission 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, up to \$10,000 or more for an experienced musical theater composer. The royalty is a negotiable percentage of box office. Dramatists Guild contracts with Broadway producers and theater specify that Author (the composer, book-writer, and lyricist are collectively referred to as "Author") receive 4-1/2% pre-recoupment (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. A growing number of productions pay royalties in a "royalty pool" scheme rather than the percentage of box office. These complex schemes vary widely and are designed to protect the interests of the producers and investors. Composers should consult the Dramatists Guild or an experienced attorney before agreeing to any royalty pool arrangement.

## 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 are separate and range from 20% of the composer's fee to a fee equal to the composer's. Librettists also receive a portion—traditionally half—of any royalties for the work. The fee and royalty arrangements should be negotiated separately through a collaboration agreement. Contact Meet The Composer or Volunteer Lawyers for the Arts for more information.

|                   |                   |
|-------------------|-------------------|
| One-Act Opera     |                   |
| Small Company     | \$15,000-30,000   |
| Large Company     | \$25,000-100,000  |
| Full-Length Opera |                   |
| Small Company     | \$40,000-100,000  |
| Large Company     | \$100,000-400,000 |

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 Concert Music and Jazz table under anticipated instrumentation. The prospect of grand rights income may induce composer to accept reduced fees to compose for dance. Choreographer fees are separate and vary widely: see Meet The Composer's *Composer/Choreographer Handbook*.

## Film and Broadcast Music

Film and television composers must be capable of organizing every aspect of production and providing finished tapes on very tight schedules. 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 as retaining copyright ownership, for instance, or the exposure a project will bring. What follows is only an outline of general practice in a complex field. Prospective film and television composers should consult colleagues for more detail, and engage an experienced entertainment lawyer or agent in negotiating with studios and producers.

## Film

Composer's fee can be either a negotiated figure or part of a "package"—that is, 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, amounting to \$1,000-\$1,000,000 depending on the kind of film. In studio films, composer works "for hire" as producer "buys out" all rights to music. With independent films and documentaries composer can often negotiate certain rights in exchange for a lower fee. Credits as performer, orchestrator, and leader allow composer to receive a package of benefits through the American Federation of Musicians. Screenings in the United States do not produce composer royalties, but for broadcast on television and screenings abroad, the performing rights societies collect licensing fees for their member composers—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 | \$50,000-300,000 |
| Independent Film  | \$5,000-125,000  |
| Documentary       | \$2,000-30,000   |
| TV Film           | \$15,000-75,000  |

# TELEVISION

## Television

As in film, composer's fee is usually negotiated as part of a "package"—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 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.

|                          | Network        | Cable         | Public        |
|--------------------------|----------------|---------------|---------------|
| 30-minute series episode | \$2,000-6,000  | \$1,500-3,000 | \$1,250-2,500 |
| 60-minute series episode | \$8,000-25,000 | \$4,000-8,000 | \$3,000-5,000 |

# COMMERCIAL

## Commercials and Logos

Music production houses employ composers "for hire" and hold all rights to their music. Many composers now function independently in order to retain their rights. Composer's Creative Fee is 25-50% of the overall music budget. Performing rights societies do not effectively log broadcast of commercials, so composer's future income depends on royalties as composer, paid by producer or broadcaster and American Federation of Musicians recording payment as performer, arranger, or leader. The longer the musical content is likely to be used in one version, the higher the Creative Fee should be. The following ranges represent what a composer typically nets. A composer seeking exposure may accept less.

|                                   |                |
|-----------------------------------|----------------|
| Regional Commercial               | \$1,000-6,000  |
| National Commercial               | \$3,000-25,000 |
| Logo (Corporate/Product Identity) | \$5,000-50,000 |
| Industrial Film                   | \$3,000-15,000 |

# SAMPLING

## Sampling and Copyright

Many composers, working in all styles and genres, now make extensive use of sampling and sampling technology. There are important copyright issues involved in the use of sampled material. Composers and potential commissioners should consult the *Volunteer Lawyers for the Arts Guide to Copyright for Musicians and Composers*. This guide is available from Meet The Composer.

# RESOURCES

## 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  
(212) 595-3050 | [www.ascap.com](http://www.ascap.com)

### Society of Composers and Lyricists (for film and television)

400 South Beverly Drive, Suite 3214  
Beverly Hills, CA 90212  
(310) 281-2812 | [www.thescsl.com](http://www.thescsl.com)

### Broadcast Music Incorporated (BMI)

320 West 57<sup>th</sup> St.  
New York, NY  
(212) 586-2000 | [www.bmi.com](http://www.bmi.com)

### Meet The Composer, Inc.

75 Ninth Avenue, Floor 3R Suite C  
New York, NY 10011  
(212) 645-6949 | [www.meetthecomposer.org](http://www.meetthecomposer.org)

### SESAC, Inc.

55 Music Square E.  
Nashville, TN 37203  
(615) 320-0055 | [www.sesac.com](http://www.sesac.com)

### Dramatists Guild, Inc. (for theater and musical theater)

1501 Broadway, Suite 701  
New York, NY 10036  
(212) 398-9366 | [www.dramaguild.com](http://www.dramaguild.com)

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