



Musicians & Performers

As a musician or performer, you want to get your creative efforts out into the world. But you also need to know how to protect your songs, recordings and performances—and your own persona.

The best way to do that is by adding an experienced intellectual property lawyer to your creative team.

Olive & Olive traces its roots back to 1957, when our founder launched the first IP law practice in what is now the Research Triangle of North Carolina.

We make sure you're protected – and compensated.

In the music arena, copyright protection covers the words and music you create. Copyright also applies to recordings of your music. You're entitled to payment when your compositions are played publicly, whether on the radio, online, in live concerts, and in recordings. For U.S. citizens, copyright registration will make all these rights more valuable – and more enforceable.

Performers also own copyrights. Those copyrights protect the performance itself, independent of the underlying music, words, art, or other work.

For example, performance copyrights would protect:

- The performance of a play or other dramatic work, or part of such a work, including a performance using puppets
- Musical performances, whether live or in a recording studio
- A dance
- A circus act, variety act, and similar presentations and shows

- Story-telling and poetry-reading
- Improv performances from raps to riffs, from comedy sketches to dramatic speeches
- Street-corner mimes
- Public readings

Once the performance is recorded – even informally – it can be protected through copyright registration. As with music and lyrics, registering the performance copyright will enhance protection.

Ownership can get complicated.

Ownership rights (for words, music, performances, and recordings) can be split among multiple parties. It's not unusual for an artist (or the artist's production company) to own the music and lyric copyrights, while a producer owns performance rights, and a recording company or one of its labels owns the copyrights in the recording itself. And sometimes multiple artists share the copyrights, each of them having an ownership interest.

Needless to say, things can get complicated. Disagreements arise. Disputes flare up.

Your best protection – and the best way for you to receive payment for what you're entitled to – is to have written agreements that clearly allocate and define the respective rights. If you don't have something in writing, you may be surprised to learn that others can use what you thought was your property without your permission. Before you know it, you can find yourself battling over what—if anything—you are owed.

Call us before you sample, stream or mix.

Sampling, streaming and video mash-ups have only added to the complexity of music ownership rights. Because a recorded performance can have multiple copyright owners, you need to be careful before using someone else's work. You might need to get permission from multiple people. This applies to everything from creating mix-tapes and videos to sampling.

And don't forget about clearing the rights to any art on your covers and posters. Being sure you've obtained

all the rights you need is critical; otherwise, you could find yourself being sued for copyright infringement.

If you can't get permission – or don't want to – then it's important to analyze whether your use of someone else's work qualifies as a "fair use" or is protected by the Constitution. It's embarrassing—and can be expensive—to be forced to pull down a video or take down a song. On top of that, you might have to pay royalties for every download, and for every concert or performance you've given.

Proper vetting of your work before you roll it out can prevent these problems.

We help protect your brand.

In addition to copyright, you need to think about protecting your identity. Your professional persona may be built around your real name or one you've adopted for performance and recording purposes. Being interrupted mid-career by a demand that you stop using your name because it's too similar to another performer is not a situation you want to encounter.

Recognize the aspects of your brand that make up your persona. It may be your name or stage name, but may also include a logo, a catch-phrase you regularly use, and other unique elements.

We can make sure you have the right to use those brand elements, and we'll help you protect them from use by others.

Olive & Olive provides creative advice for creative people.

Olive & Olive understands the creative arts. If you're in a rock band or dance troupe, getting paid for your work – much less making a living – can be a challenge.

We will see that you get what you're entitled to. Among our services:

- We obtain copyright registrations that protect your intellectual property from infringement.
- We negotiate contracts for everyone from individual musicians to band members, publishers, and recording companies. We make it clear who owns what, and who gets what share of the income.

- We review cover art, words, music, advertising, website content and more. We'll protect you from claims of infringement.
- If you want to use someone else's work, we help you do so safely. We will evaluate the factors for fair use, and we'll guide you towards uses that build on or parody the earlier work, without infringing its intellectual property rights.
- We provide comprehensive brand protection, including names, logos, and taglines.
- We help protect your website, both for content and for compliance with privacy regulations and other relevant laws.
- We provide dispute assistance. Whether you've found someone who is infringing your work or you've been accused of infringement, we'll work with you. We provide litigation and dispute resolution services at every level, from negotiation to trial and appeal.

Want a DIY solution? No problem.

Part of what Olive & Olive offers is IP education. Our intellectual property attorneys have deep knowledge and broad experience working with musicians and performers. If you would rather do it yourself, we will be happy to provide basic training so you can do as much as possible. And we will always be standing by in case things get tougher than you anticipated.

For companies and individuals with bigger budgets, we still try to simplify the process – and lower your costs – as much as possible. We develop forms for you to use when appropriate. We teach you what tasks can safely be entrusted to your staff.

Olive & Olive's sound legal advice and dispute support have served musicians and performers for over half a century. If you need help maximizing the value of your work, getting it out to the public, and making sure you don't get ripped off in the process, explore our website and then contact us to get started.