

# MUSIC IN FILM: a short Producer's Guide

as written for IFFMH & the Mannheim Meeting Place

~ by George Christopoulos – MMP Resident for Music in Film ~

## CHAPTER 1: the FIRST NECESSARY CREATIVE STEPS

### STEP 1: Think About Music while In-Development

From even the moment you have decided to produce a script, but especially when you have your director on board, you can already start contemplating on the issue of music, both the original score and possible songs you'll eventually need to license to synch them with your picture. Even from the in-development stage of a project, **the COMPOSER should be considered as a "talent" you have to cast and involve early enough in the process.** Leaving that decision in the post-production phase may easily result into making a rather simple creative decision into a quite last-minute puzzle with several creative, scheduling and budgeting consequences.

### STEP 2: Brainstorm with the Director

Go through the script with your director for a first "*music spotting session*".

- I. Together make an initial approach of what kind of music is wanted and especially in how many and which key scenes an original score is necessary. Is it wall-to-wall or sparse? This exercise will provide you with an approximate calculation of how many minutes of original score you will need; less or more than 30'? Around an hour or even more?
- II. Clarify what is musically desirable for your story. More atmospheric/effective music? More story/character-oriented themes and melodies? Both? Just songs? Do you need any specific character motifs or just some underscoring cues will work for your story?
- III. By roughly defining the above, you can ask already this: will you want to record with an orchestra and if yes of what size? Or, does your director wish to have a fully electronically produced (but not necessarily electronic sounding) score? Answering these questions will also help you start contemplating on various alternatives.

By having more precise answers to the above you will identify early enough other certain requirements regarding the Composer and the Original Score you aim for:

- i. What kind of industry status, style and experience – overall or specifically in a genre – the “talent” you aim to hire to create an original score has already;
- ii. How many minutes of original music you’ll eventually ask a composer to write.
- iii. Apart from the original score if you’ll need to license songs and if yes approx. how many.

### **STEP 3: Work on an Initial Music Budget & Co-Production Services Structure**

Based on the conclusions of “Step 2” define the following:

- I. A proper approximate **Music Budget** specifically for the Original Score (the budget for clearing existing songs is not related with this). It is mandatory to distinguish the composer’s creative fee (a number you calculate at that moment as a realistic one) from the production costs. (*note: more on “Budgeting” in Chapter 3*)
- II. If the Music Services, including the composer’s position, should be provided from a **co-producer** then you should start assessment there. Fees, composers’ availabilities, studio and musicians costs vary from country to country, not just from continent to continent. Please research and add average realistic numbers based on the desired territory to your Budget. (*note: you can outsource this research as indicated on Chapter 2, Step 1*)
- III. Depending on the project, contemplate if a famous and acclaimed composer would increase the chances to obtain a co-producer and funds. If the answer is ‘YES’, then consider *doubling* the creative fee you were initially thinking of, based on bullet (I).

### **STEP 4: Seek/Hire & Put the Composer to Work**

Composers always welcome the “more time to compose” factor. Although it seems they become more productive when they have a *rough cut*, they actually use most of their time to compose the most important and major elements of the score - e.g. make initial demos of themes and certain melodies or soundscapes - before they see anything. By working on the cut they can be very precise and productive but creatively under pressure, and that doesn’t always benefit the film. It’s best to make them use this time even before you commence principal photography. (*note: more about how to make the right choice of a composer on Chapter 2*).

By far the most significant **advantage** of attaching to your project a composer early in the process, is that you won’t need to lay down any temp-tracks on your first cut. Temp-tracks disorient composers, limit them creatively and often create hassles in the communication with directors. The absence of temp-tracks allows film composers to invent purely ORIGINAL music specifically for your story, fitting to the vision of the director, while making the whole process and the communication with the director much more constructive.

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### **Summary: the Advantages of the above steps for the Post-Productions Process**

- Defining if Music Services will be provided by a **Co-Producer** or not.
- More accurate **Music Brief** for the composer who will eventually be attached.
- More accurate **Budget Plan** of music-related services for your production.
- Less Music Production effort and headaches for anyone involved in **Post-Production**.
- You aren't going to face any, very common, last minute Composer's **availability** problems.
- **More Time** to seek, find and negotiate terms with the Composer.
- **More Time** for more efficient brainstorming & better thought-out compositions that will most certainly result to a better original score.
- Enough time to approach a **Famous Composer** and perhaps use his participation in your financing and co-production strategy.

## **CHAPTER 2: ATTACHING the RIGHT COMPOSER to your PROJECT**

There are three requirements a composer is supposed to fulfill:

- a) fit **artistically** into your project and compose aesthetically fitting music for it;
- b) fit within the project's schedule, music budget, and specifically the **creative fee** you defined;
- c) have the right nationality to fit the **co-production** scheme in order to take advantage of any **tax-incentives** or **tax-credit** opportunities.

### **STEP 1: Outsource your Research**

If neither you or your co-producer, know where to start looking for Composers, then approach any of the following:

- I. a composer's agent
- II. a music supervisor
- III. an editor and a sound editor
- IV. a post-production manager/supervisor
- V. an orchestra contractor or recording studio manager

**NOTE:** AVOID asking Sound Designers and Sound Engineers to recommend Film Composers. They come from a technical world, and rarely have the understanding of “film scoring” in order to make an appropriate suggestion of a film composer. In addition, nowadays many Sound Designers are promoting themselves as Music Composers, too. While this is a valid option in some cases, it is both rarely applicable in films and vastly different from Music.

## STEP 2: Discover & Examine Specific Requirements of Specific Nominees

In every project’s case, but even more importantly if a composer’s **nationality** is a potential production advantage for your financing plan, you need to examine the following parameters:

- I. Availability\*
- II. His initial reaction and ideas on the script or the synopsis he read and if it is compatible to the director’s vision.
- III. His typical fee for similar projects and his flexibility about that.
- IV. His willingness to make a demo specifically for your story (1-2 minutes max.).
- V. His production capacities & his working pace.  
*(note: more on this on Chapter 3 and the “Low Budget Alternatives”)*
- VI. His typical negotiation terms on Masters and Publishing ownership.

\* If you approached an internationally acclaimed composer and he both wishes to commit and is available to work on your picture on a set time period, then sign a contract as soon as possible and use his name for publicity, to possibly raise funds, find distributors or even secure festival premieres. With this early contractual agreement in place, everyone sticks to the initial promises and many headaches, which usually appear during post-production, are avoided.

*(NOTE: more on fair formulas for contracts depending on a composer’s front-end fee in Chapter 4)*

## CHAPTER 3: BUDGETING MUSIC

This is how your **Music Budget breakdown analysis** should look like, for Budgets devised for recording with an orchestra (even a small one) in a studio:

### 1. COMPOSER’S CREATIVE FEE – Services Breakdown:

- Composing X minutes of Music
- Orchestrating X minutes of Music
- Programming & Delivery of Digital Demos/Mock-ups
- Recording Supervision, Mixing Supervision & Conducting (if needed)

## 2. MUSIC PRODUCTION COSTS\* – Services Breakdown:

- Digital Programming & Finessing Sampled parts of the Score
- Studio Rental - space & equipment - for a set number of recording & mixing days
- Studio Engineer and other staff
- Copyists for the score sheet preparations
- Orchestra Musicians/Soloists
- Conductor

*\*NOTE: It is advisable to have a 10% contingency especially for the studio & orchestra costs.*

The principle of distinguishing the Creative Fee from the Production Costs will help you with:

- I. the negotiations of the contract terms with the composer and his representative,
- II. any oversight of the post-production services costs (music and non-music related),
- III. having a clearer overview of the film's needs both creatively (composer's pure composing/orchestrating working weeks) and production-wise with your post-production schedule (programming, studio and recording needs & costs and the necessary time for all this before your final mixing date).

### **Getting Creative: the LOW BUDGET ALTERNATIVES**

If your Music Budget for the original score, is quite limited (under 25K EUR) then it is ideal to have a composer attached with an established wide range of music production capacities (e.g. an assistant or a regular team –programmer and orchestrator - and even studio and musicians he knows in his country or other territories). In such cases a film's score can also be produced with the following conditions:

- I. Minimize to the absolute essential number of **minutes** of music you need composed. Limited Budget always equals to little amount of music in the final cut (typically 15-20' max.).
- II. Minimal **instrumentation** in order to avoid studio recording with an orchestra. Anything from a piano along with a string trio, quintet or octet, plus another 2-4 other instruments, has been proven a sufficient and highly effective ensemble for the sound of a film's score that shall be mixed with digitally sampled instruments.
- III. **Record fewer physical instruments** in a smaller size professional studio for the melodies.

- IV. **Digitally Sample** (program) and mix the rest of the orchestrated music on the computer.
- V. One **Orchestrator** and one **Programmer** to assist the Composer
- VI. One **Music Mixing Engineer** to prepare the deliverables for the Final Mixing

## CHAPTER 4: CONTRACTING TERMS & NEGOTIATION POINTS

The Negotiation Points and possible solutions regarding the *front-end fees* of Composers are:

- Ownership of Masters Rights
- Ownership of Publishing Rights
- Composer to be Licensor of the Soundtrack Album
- Back-end compensation from sales or other milestones (*investor's share or box-office bonus*)
- A future project preliminary agreement (*not binding but good to be offered especially if the collaboration with that specific composer has been creatively exciting, smooth and very professional*)

### Quick Explanation & Definitions of **MASTERS & PUBLISHING**:

The ownership of the **MASTERS** (i.e. the final recorded music materials) allows a music track's future possibility for **synchronization licensing** to any other third party's audiovisual content, and also the production of a soundtrack album. Both are considered sources of potential **back-end compensation** for the Composers.

The ownership of the **PUBLISHING** (i.e. the performance rights) allows the receipt of the generated monies (**royalties**) from the public performance of the music on any broadcasting platform (TV/radio) through the Performing Rights Organization (P.R.O.) the author is a member of. Naturally, production companies are not publishing bodies, hence they are not members of any P.R.O.; therefore the Composers typically retain full ownership of the Publishing rights.

**IMPORTANT CLARIFICATION:** At no moment and under no condition, the Producer of a Picture, for which a Composer was commissioned to create an original score, loses his right to synchronize that score with that Picture, and any other content created for it (e.g. trailers). In all types of Composer Agreements the Producer retains the so-called **Producer's Right** to synch that score with that Picture in perpetuity!

Last, as for the agreed terms on a contract regarding the ownership of **Masters & Publishing**, here is a list of common and fair formulas/scenarios, that are always based on the upfront compensation provided to the Composer:

- **HIGH CREATIVE FEE:**

- a) Producer retains ownership of both Masters & Publishing - This is the **typical buyout/work-for-hire agreement for US & UK** productions and only for very high compensations e.g. over 250K - prohibited as a form of agreement in Europe by the Performing Rights Organizations.
- b) Producer owns Masters but shares ownership of the Publishing on a pro-rata 50-50 basis with the Composer, in perpetuity.

- **MEDIUM CREATIVE FEE:**

- a) Producer owns Masters, Publishing is co-owned with Composer on a 50-50 basis.
- b) Producer owns Masters, Composer owns Publishing or it is co-owned for a certain time period from the date of theatrical release, e.g. 2 years, and when co-ownership period ends, then Publishing ownership reverses to Composer 100%.

- **LOW CREATIVE FEE:**

- a) Masters are co-owned by Producer & Composer, Publishing is owned by Composer.
- b) Masters & Publishing owned by the Composer 100%. - This is the **typical Music Licensing Agreement**, which we strongly suggest and always work with low-budget films that they don't offer at least 30K EUR creative fee.

**FEES EXPLANATION:** No range of numbers is mentioned here to indicate what should be considered as High, Medium and Low fee for composer. This is a calculation that should be made by the Producer based on the Total Budget of a project in conjunction with all the services requested from a Composer to render and other parameters (e.g. deadlines, instrumentation, number of minutes to be mocked-up, orchestrated, programmed and recorded, music production preferences for orchestra, studio etc.).

However, the most common paradigm today in independent cinema - irrespective if they are international co-productions or not - is that Film Composer's Compensation below 25.000 EUR for a feature film that requires approx. 30 minutes of original score, which means an average priority commitment of 3-4 months, is automatically considered a Low Creative Fee.

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**Real Examples of a Successful Deal:**

(a) A Hollywood composer, whose typical fee for US projects is \$300.000, scored the music for a Czech-Slovak co-production for \$20.000. Music was recorded in Prague. It has been voted the best soundtrack of the year in Czech Rep.

(b) A composer with a worldwide following scored a Spanish film for 1/3 of his typical fee. Later, it went on to win multiple BEST MUSIC Awards and help the film sweep another dozen of them in the national Academies Awards.

In both cases the Composers kept ownership of Masters & Publishing Rights but they offered their BEST SERVICE and were committed to the projects!

~ Contact Us ~



**George Christopoulos (Film Composers Agent)**

[www.oticons.com](http://www.oticons.com) | [faculty.oticons.com](http://faculty.oticons.com)

[christopoulosg@oticons.com](mailto:christopoulosg@oticons.com) | Tel: +30 69 77 77 69 52

Skype Name: panagathos