BEATNIK TURTLE

we write songs good.

Beatnik Turtle's

Indie Band Survival Guide

THE INDIE BAND SURVIVAL GUIDE

August 2008 Update

Or, everything we've learned so far:
Research, articles, stories, and practical know-how about the music industry written from an independent band's perspective.

www.BeatnikTurtle.com & **www.IndieBandSurvivalGuide.com**

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Beatnik Turtle's Indie Band Survival Guide

Third Edition – August 2008.

Published originally by Beatnik Turtle.
www.BeatnikTurtle.com & www.IndieBandSurvivalGuide.com

Updated information can be found in the St. Martin's Press book, The Indie Band Survival Guide. Additional information regarding websites, resources, tools, and services available to musicians can be found for free at www.IndieBandSurvivalGuide.com.

For the most current and up-to-date version see
http://indiebandsurvivalguide.com/wiki/page/Original_Indie_Band_Survival_Guide

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Forward – August 2008

> *"And there's one thing that we'd like to make clear: We are just a band, not a marketer that is hawking some book or product."*
>
> – From the Introduction to The Indie Band Survival Guide.

In 2006, we, Randy Chertkow and Jason Feehan, released this Indie Band Survival Guide for free under a Creative Commons license to help share all we knew. Since then, the Guide has been linked to throughout the blogosphere, written about in Billboard Magazine, the Associated Press, Reuters, and various journals and publications.

One thing led to another and the next thing we knew we were offered an opportunity to transform this original PDF—something that we wrote over the course of 2 years in our spare time—into the comprehensive book for musicians that we knew we had in us. We ended up striking a deal with St. Martin's Press/Macmillan to distribute the book throughout North America and Random House to distribute the book to the rest of the world.

So, yes, now there's a "real" book that we're selling (although this original PDF will always be free through our website **www.indiebandsurvivalguide.com** and **www.beatnikturtle.com**). The book is based on years of additional research, and is more detailed and better written than the original. In short, it's the complete manual for the do-it-yourself musician and is **very much worth getting**.

We're proud to say that both publishers—St. Martin's Press/Macmillan and Random House—were extremely understanding and supportive about how we got here and have been excellent to work with. We demanded two things before we could agree to sign any book deal:

1. They had to allow us to continue to distribute the original Indie Band Survival Guide PDF for free from our website; and

2. We asked them to make the book as affordable as possible for musicians.

They agreed to do both. You can download this original PDF—which reads more like a series of articles—or you can pick up the updated, affordable, **"comprehensive and comprehensible"** book version at any book store. In fact, to keep costs down, St. Martin's Press skipped releasing the book as a hard cover and went directly to a more-affordable paperback. The result is a 336-page comprehensive manual that costs less than a major label CD.

Introducing A New Resource for Musicians

But the book is only half of the story. Rather than making the Indie Band Survival Guide a book of lists and links that would have gone out of date by the time it hit the presses, we decided to put that information where it belongs: on the web, free, and updated constantly as the music environment changes.

The book explains ***what*** to do, ***how*** to do it, and ***why***. The website has ***where*** to go, and ***who*** to talk to. The kind of information that can change at a moment's notice.

At **IndieBandSurvivalGuide.com** you will not only find all of the links, resources, and services that we list in the book, you'll find *everything* that we uncovered while doing our research. In fact, there are *thousands* of links to explore—but organized for musicians to make it easy to find what you're looking for. And since any musician can add to it, it's growing every day.

Better still, it's free and open to the entire indie community. Think Wikipedia edited by musicians, with ratings and comments just like Amazon. Add to that an automated link checker to make sure you don't waste time on resources that have disappeared. Here's a sample of what you will find there (click any of the topics below to be taken to that part of the site):

Create & Record
- Recording Studios
- Songwriting Tools & Tips
- Midi, Loops, & Sounds
- Rehearsal Spaces
- Mixing
- Mastering
- Video Creation
- MP3 Tools
- Software
- Music Lessons
- Songwriting For Profit
- Contests, Challenges, & Fights
- Musicians-For-Hire
- Collaboration Tools
- Online Music Collaboration
- Musicians' Forums and Classifieds
- Instrument Repair
- Instrument & Gear Rental
- Conferences
- Books & Instruction

Make CDs & Merch.
- CD Printing Houses
- T-Shirts
- Stickers
- Posters
- CD Print-On-Demand
- MP3 Tools
- Art & Graphics
- Fulfillment
- Other Merchandise
- Books & Instruction

Get on the Web
- Web Hosts
- Mailing Lists
- Music Hosting Sites
- Domain Registrars
- Web Design & Management
- Music Search Engines
- Art & Graphics
- Get Heard On Your Website
- Musicians' Forums and Classifieds
- MP3 Tools
- Blogging Tools
- Podcasting Tools
- MySpace Tools
- Message Boards
- Survey Sites
- Search Engine Optimization
- Web Statistics
- Web Presences & Social Networks
- Collaboration Tools
- Photo Hosting Sites
- Social Playlist Sites
- Webcasts
- Video Sharing Sites
- Social Bookmarking Sites
- Books & Instruction

Get Sold
- CD Stores
- Online Music Distribution
- Online Merch. Storefronts
- Fulfillment
- CD Print-On-Demand
- Sell On Your Own
- Music Licensing
- Ringtones and Mobile
- Songwriting For Profit
- Musicians-For-Hire
- Rights & Royalties Organizations
- Books & Instruction

Play Live
- Festivals
- Booking Resources
- College & Universities
- Booking Agencies
- Music Photographers
- Musicians-For-Hire
- House Concerts
- Online Concerts
- Conferences
- Musicians' Forums and Classifieds
- Rehearsal Spaces
- Posters
- Instrument Repair
- Instrument & Gear Rental
- Books & Instruction

Get Heard
- Music Podcasts
- Podsafe Collectives
- College & Indie Radio
- Commercial Radio
- Non-Profit Radio
- Music Blogs
- Radio Promoters
- Webcasts
- Satellite & Cable Radio
- Film & TV
- Video Sharing Sites
- Get Heard On Your Website
- Music Hosting Sites
- Social Playlist Sites
- Ringtones and Mobile
- Conferences
- Music Archive Sites
- File-Sharing
- Online Concerts
- Contests, Challenges, & Fights
- Books & Instruction

Get Publicity
- PR Wires
- Press Release Writing Services
- Online Press Kits
- Music Press & Media
- News Aggregators
- Music Blogs
- Publicists
- Music Photographers
- Books & Instruction

Get Legal
- Copyright
- Trademark
- Music Licensing
- Goverment Business Services
- Contracts, Forms, & Templates
- Music Associations
- Attorneys
- Rights & Royalties Organizations
- Books & Instruction

So join us and other indie musicians at **IndieBandSurvivalGuide.com**, a free and open resource that shares all the practical information, tools, and resources that's available to musicians. And since it's open, it grows and adapts as often as the new indie music environment does.

But we can't do it alone. As we said in 2006:

> "*We found, when we started out years ago, that there weren't enough bands that shared what they'd learned. The information that we found useful was scattered in different magazines, books, and all over the Internet. After doing all of that research, and going through the inevitable issues that a band faces, we decided to write about what goes on behind the scenes, **and collect it in one place**.*"

That one place is waiting for you at **IndieBandSurvivalGuide.com**.

Original Introduction – January 2006

> "Don't reduce music to the size of your ego."
>
> – David Bloom

The reason for this Survival Guide is simple: We want to share what we'd tell ourselves if we were just starting out as an independent band.

We found, when we started out years ago, that there weren't enough bands that shared what they'd learned. The information that we found useful was scattered in different magazines, books, and all over the Internet. After doing all of that research, and going through the inevitable issues that a band faces, we decided to write about what goes on behind the scenes, and collect it in one place.

This Survival Guide is not intended for musicians only. We found as we wrote this guide, and showed drafts to others, that many people who weren't even musicians found these topics interesting. The facts of how commercial radio works (*everything* on the radio is pay for play) and the real story behind file sharing affects everyone who listens to music. But our main audience is other independent bands like ourselves.

And that's one thing that we'd like to make clear: We are a band, not a marketer that is hawking some book. None of our paragraphs will trail off after teasing you with some information, telling you to buy some music guide if you "want to hear the rest." We have nothing to sell you but our CD's, and you should only buy them if you like our music. We're sharing this because indie bands need to stick together, and we are happy to tell you what we've learned. We hope that you get something out of this. If you like it, or want to talk to us, go ahead and send us **comments**. This Survival Guide is a living document. We will constantly update it as we learn more on our own, or from other bands that wish to share.

In **our blog,** we will also bring you backstage for our efforts to make albums, promote ourselves, play live, and get our music out there. We are doing that to let people behind the scenes and give other musicians ideas. But also, we'd love to hear your thoughts and advice about what we're doing.

We hope you find this useful, whether you're an independent band, or just an individual who is interested in what goes on behind the scenes for indie bands.

Welcome to The Indie Band Survival Guide!

The Realities for Independent Bands: Busting Myths and Traditions

Much of what we're going to say regarding the realities that an independent band faces goes against conventional understandings of how things work. We're going to provide you with a lot of links to articles, so you can research it for yourself.

Here's the summary:

- **Major Label contracts** are *viciously* unfair to musicians. Do not try to get signed to one.
- **You can't get played on commercial radio** because the rule is "pay for play." It costs a lot of money to get your album played on the radio. They usually ignore small labels, or unsigned bands.
- **Ticketmaster, Clear Channel**, and other similar groups have made it extremely difficult to play at large live venues.

If the above is all news to you then you should really read on for the full story. It's quite a wake-up call.

Major Labels: Major Ripoff

Wanting to get signed to a major label is like wanting to get hemorrhoids. If you want to get signed to a major label because you want the sex, drugs, and rock 'n roll. Go for it! You can get all of the above from them. If you want it for the fame, reach for that brass ring! They *like* famous rock stars. Famous rock stars sell albums!

If you want to get signed to a major label because you want to make millions of dollars, forget it. It's a waste of time. You should even forget it if you want to make a decent living. You should *definitely* forget it if you love the music.

Here's why, in short:

- **Money**: If you manage to produce a moderately successful album, you'll be lucky to make $20,000 a year. Most bands are not even that successful.
- **Rights**: The labels get all of the rights to your music, your recordings, and the name. No matter how successful it is, they will always own it.
- **You is their bitch now**: You will be their bitch. You will owe them music, money, and will be working for them. Many bands have had problems with their labels dictating what music to play, not releasing music or albums that they did write, or releasing and then burying their music with no promotion. This lack of control is what is mentioned a lot in the music press when bands complain about their labels.

Here's why, the long version:

Band Better Have My Money

The money's not there because of two reasons. One is that they charge you for everything. And we do mean everything: recording the album, mastering, the producer, marketing, duplication, breakage, samples and giveaways, the music video, limos, drugs, prostitutes, that guy who's separating out the red M&Ms, the cowbell polisher, etc. Heck, they even charge interest on the money that they spent on you, including that advance that they gave you at the beginning, probably the only money you'll actually see.

The second reason is that they are tight with the distributors, and it's not in their interest to give you an honest accounting of the sales. You know Columbia house, or the BMG CD clubs? The accounting statements for those are a bank error in their favor. Overseas sales? *What* overseas sales? If you want to audit them, you're paying for the audit, and you will be contractually obligated to give them warning ahead of time, when they'll clean up their book keeping.

Don't believe us? Research this on your own if you want to get into the industry. The best is **The Problem With Music** by Steve Albini. Also, Courtney Love had an interesting lawsuit with her major label, later settled, where she let us behind the scenes on how they treat artists. And we also recommend reading about Janis Ian, as she **talks about file sharing from** the point of view of an artist with a long career with a label.

All Rights Reserved...For *Them*

Before you sign away on that dotted line, make sure that you understand the rights that you have with the music you create. Read our copyright section for more information.

Once you know what you're giving away, imagine you just bought a house. You may have a lot of debt, but at least the place you're living in will one day be yours. You are paying out monthly, but you are slowly on the path to owning your house. It's a good feeling. When you're done, you own something of value.

Now imagine that you've just signed a record contract. You get a nice lump sum advance, but they are charging that money back to you. Essentially, it is a loan. They are also keeping track of the money they spent to pay for recording, mastering, and producer costs. Let's say that the album does well in the market, and you cover all of these costs. You need to, because you don't get paid a penny of any color until they recoup *all* of their expenses. But let's say your album lets you recoup, which most bands usually fail to do. You've "paid off the house" as it were. Although you get a trickle of income for each album you sell, **they** own the music, even when you're all done. Imagine spending all of this time paying off a house, and when you're done, the bank owns it instead of you.

Here's another way to put it: The contract specifies that when you write songs, record the album, and play your ass off, that you are doing what's called a "work for hire." You have no more rights to your own music than an office temp would have for the data entry that he typed in, except you're not even getting paid by the hour.

The idea of giving the rights away to music that you cared about is a painful one. Keep that in mind when you want to get signed.

If you *still* want to get signed, consider the following:

- You will not be an employee of the label. You'll have to get your own insurance, and all of the other stuff that a working person has to worry about. That is *really* expensive. Most musicians live without insurance.
- Since you get nothing from the label, touring and merchandise is the only way to make money. And that's drying up.
- Don't do a thing until you read All You Need to Know About the Music Business by Donald S. Passman and our own **The Indie Band Survival Guide**.
- Don't trust anyone else to explain it to you. Don't even trust us! Read and learn about this yourself if you are attempting to do this. Everyone in the music industry has to keep good business relationships with each other. They won't give you the whole story because they work together. Even your own lawyer and agent will not always be on your side. They have to work with the major labels, even when you're done and gone.

Possibly the best online link for this issue is the **Future of Music Coalition**, which is literally a group of musicians trying to set things right. Their **critique of major label contracts** is very informative.

The best research you can do on this topic is definitely the book All You Need to Know About the Music Business by Donald S. Passman and our own **The Indie Band Survival Guide**, as mentioned above.

Commercial Radio in Three Words: Pay for Play

The movie "That Thing You Do" was an interesting one to watch as an independent band. The movie takes place in the 1950's and follows the band "The Wonders" as they recorded their music in a church then pressed an album using their own money. They played at local venues, got some local momentum, and then sent their album in to radio stations.

In a particularly memorable scene, the band was sitting in their car and got excited to hear the radio station play their song. The radio play attracted a big label, and thus began their path to stardom.

Unfortunately, that only happens in movies. Commercial radio is closed to independent bands without a lot of money. Even if you have great music, you can't get played on radio unless you pay for it. Except for those rare local-music shows, commercial radio generally plays only major labels.

This is counter to the romantic notions that people have about radio, which largely mirrors "That Thing You Do". Most people, including ourselves as we recorded our first album and tried to get it played on the radio, believe that pay-for-play was made illegal. Unfortunately, all the legislation did was create a middleman for the payola.

In the late 1950's, getting a record played on the air was easy. Put a $100 dollar bill and a few ounces of coke in a record, and the DJ would treat you right. When the public found out about that, they became incensed. To think, the music on the radio was not being put on by the random whims of a DJ! People were *paying* to have it featured! Actually, at this point, the secret behind this push were the anti-rock and roll forces trying to staunch the growth of this sinful music.

This got Congress mobilized to pass legislation to control payola. The legislation said that you *could* pay to have your music on the air, but the radio station had to say that you paid them for it on the air before playing the song. This legislation not only failed to fix the issue, but it caused the *opposite* effect.

One of the primary ways that people learn about music is hearing it on the radio. Because of this, the major label needed to get their music on the radio to ensure that their recordings became a success. In order to fill this need, the Independent Promoter appeared. These "Indies," as they are called, are paid by the labels, and they "independently" try to convince the radio station to play the song. (This is a different kind of "Indie" than an indie label or band. The names are unfortunately similar, but they couldn't be more different.)

Independent Promoters are not supposed to pay money to the radio station to influence them to spin a CD. The reality is that they do anyway. Sometimes through giving the station owners "promotions" like vacations, but other times, just giving them money under the table. You might imagine Independent promoters competing with each other, lobbying the radio station program manager to add their songs to their playlists. Instead, the Independent Promoters lock up a station and basically become the toll authority for that station. The stations and the Indies sign lucrative, exclusive contracts with each other to ensure this relationship. There's usually one Indy per station.

If you, the independent band, had a song that was played on the radio, the promoter for that station would send you a bill, probably for $800 to $2000. If you don't pay it, they don't play it. In reality, they never randomly play a song that was sent to them unsolicited.

While it sounds as if the Indies are working for the major labels, they really are independent of the labels. Actually, they charge quite a bit, and so labels are feeling the pain. The funny thing is that the *labels*, who are far from paragons of honesty, are calling this an unfair business practice, and are lobbying for a change to the laws.

For an independent band, this arrangement is especially bad. It means that no one is going to hear your music on the radio, unless you happen to have a lot of money to spend on a promotional campaign that would make them sit up and notice. The worst thing is, they hurt radio listeners most of all. No wonder radio sucks so bad nowadays.

Ticketmaster: In for Their Cut of Everything

Ticketmaster, and similar ticket middlemen, are charging enormous amounts for tickets. They are at the point of being 30% of the price of the ticket or even more. The musicians never see this money. These companies used to be just an alternative to the official box office for selling tickets, but now they often get a cut even if you make it to the official box office.

The Ticketmaster issue has an interesting history. Pearl Jam had a famous run-in with Ticketmaster where they tried to avoid the monopoly. They prepared a **testimony** which they presented to Congress regarding the state of tickets. The prices referenced in this tesimony are over a decade out of date (both the raw amounts and percentages are MUCH higher now), and the intimidation and dirty tactics continue until today. These issues were brought to the Department of Justice, which basically ruled in Ticketmaster's favor. TicketMaster hasn't looked back in their monopolistic practices.

Almost ten years after the testimony, the only thing that changed is that Ticketmaster is charging more per ticket, even as **other bands** try to take them on and continue to fail.

Do It Yourself

Many books aimed at indie musicians seem to lure us with a hundred Cinderella-like stories where the happy ending is the A&R rep, the fairy godmother, "discovers" the band and connects to a major label to sign for a huge contract. Those books give advice on how to get noticed, and look attractive for that one break that will make you famous.

If you are looking for that kind of happy ending for you and your band, we can't help you. Based on what we've learned through our research, and what we discuss in the Realities For Indie Bands section, we think that if the Major Labels are the prince, then after the marriage he doesn't turn out to be so charming. The story ends with you doing drudgework for the prince rather than your sisters. Oh, and he owns the rights to all of your music too. And according to some articles, your fairy godmother, the A&R rep, is nowhere to be seen after you sign.

When we drop the fairy tails, we find that the traditional route turns out to be either inaccessible, or a very poor choice, and at the same time, the prince isn't the only game in town anymore. Technology is the key. There are entire books about the changing music industry, but it can be boiled down to a sentence: The former middlemen, and the expenses that go with them, are no longer necessary.

For recording music, a good quality recording studio used to be out of the hands of all but the elite music groups. Now, a computer and some quality microphones can be enough to make a solid recording. For distributing music, you used to have to rely on the major labels and their distributors, but with the internet and indie music stories, you can sell and distribute your music directly to fans all over the world without having to convince a closed-minded record exec first. In the meantime, music fans don't want the physical CD's anymore anyway, and are happy to purchase music at the online music stores which welcome indies and their business. It's true that promotion is always difficult, but the internet levels that playing field as well.

The term Do It Yourself, or DIY, does not mean second-rate work or options. It means leveraging increasingly powerful technologies and businesses to distribute and promote your music. In the end, you believe in your own work more than anyone else in the world. You are your most powerful advocate. What you need are the tools to do this. The Survival Guide is written with this in mind, where we share ideas on how to use the internet, indie music stores, distribution, and other companies to promote your music, and get your work out as far as possible.

Without question, there is hard work ahead of you, but you are working for yourself. It's the cost of continuing to own your own music, and keeping it under your control. But it's a cost worth paying.

The Business of the Band

There is a debate that comes up from time to time regarding music and business. There are some who believe that musicians should care about music, and that's it. For them, the other parts of running a band: promotion, distribution, strategic thinking of future goals, money, and similar activities are all distractions from what really matters. We disagree.

In reality, if you really care about your music, and believe in your band, you will take the business part of your band seriously. We also think that borrowing from successful business techniques and terminology and applying it to music, or a band, is the quickest way to make you successful. Why ignore or reinvent these ideas?

Starting from the beginning, let's be clear about the key concept: A band is a brand. It should be known for a certain level of quality, and be distinctive compared to its competitors. It should have a logo, and a name that matches the music that you're trying to promote. You also probably have products: recorded music and branded merchandise. If you're a live band, you sell services by performing at live shows for fees. If you like songwriting, you might also sell services of writing songs for other people for money, or perhaps as a promotion.

Once you start seeing the band in this way, you might start considering new ideas for how to make it more successful. In this Survival Guide, most of the main topics that we discuss are based on thinking of a band in these terms. For example, you have products and services that you need to promote, and distribute to customers, which are two of the major sections of The Survival Guide.

In the end, the most important thing about a brand is name-recognition. This is one of the hardest things to build, and one of the most valuable things that you can have in a business. Many of your business activities are going to be aimed at enhancing your name recognition and exposure, besides finding ways to get your music to fans.

There's another aspect to thinking of the band as a business which has to do with keeping your own band members involved and excited about the band. You need to have successes, which involves setting and achieving goals. No matter what the endeavor, people are not usually willing to continue working on a project unless they feel that it is going somewhere. Note that you can define success in many ways. For some, it's playing out regularly at bars, or breaking into a new venue. For others, it's getting 100 people to hear your band. And another might have a goal of getting a song on college radio. All of these tangible things are within reach, and will help get you traction for your band, and keep your band members excited.

If you do consider your band a business, we suggest thinking about the following:

- **Band Name**: If you haven't chosen a band name yet, make sure that you choose something distinctive that's easy to spell and understand. It should invoke the kind of music that you play (or nothing at all, so that you can put your own meaning to it.) You should make sure no other band has taken the name by searching the net. Also, the web domain should be available for you to use so that you can put up a website.
- **Logo**: Since a band is now a brand, it's more important than ever to have a logo that you can put on your website, press releases that you send in paper form or electronic form, and especially on merchandise. It also helps to have standard colors that represent your band. The best situation is to get a graphic artist to help you with this, as you will find that it's good to have logos in many different formats. Some of the formats are scalable, and others are more optimized for web. Still others are better for print.

- **Money**: Make sure that there are clear understandings between the band on how money will be handled. This includes money that's contributed by band members for expenses, and how to distribute income. Depending on how much you make from the activity, especially if you are a full-time musician, you should also talk to an accountant for the proper way to deal write off expenditures and deal with income.

Goals: From the outset, you should have an idea of your short term goals, and perhaps your longer term goals as well. If you find that you don't share the same goals in the band, it can cause problems. It's best to have short, just-out-of-reach goals in order to keep the band motivated, and to make sure that you can continue moving forward.

> Even if your goal is not to make money at all, and instead, you only want to get your music heard by the most people possible, this idea of considering your band a business is still useful. You are faced with the same problems of distribution and promotion, even if you charge nothing for your products and services. In the rest of The Survival Guide, we will discuss more about these topics with an understanding of looking at the problems faced by bands using this point of view.

When you perform or record music, be a musician and remember that music is played, not worked. We're not suggesting that it be otherwise. But when you think of making things happen for your band, think business. Your music deserves nothing less.

Your Website: Your Band's 24/7 Ambassador

Besides the actual musical instruments that you play, the most important thing that a band has today is a website. It's the internet that has leveled the playing field for bands, and torn down the walls between you and your fans.

First and foremost, a website announces to the world that you are a real band. If a person sees you play live, searches on you, and does not find a website, they can only assume that you don't take your band seriously. A website is your tireless ambassador to the world. It is the web that took the decision of whether people should hear your music out of the hands of indifferent music executives and put it back in your own. It distributes your music directly to your fans, no matter where in the world they are. It also promotes, informs, advertises, connects, and has thousands of other possible uses beyond this. It is indispensable.

Think of it this way: by telling someone your website address, you've just told them the absolute shortest message that says the most about your band. Once they have the website name, they can see and hear everything that you have on your site. That is why a website is incredibly powerful for marketing, there's no other place where a short message means so much.

In this section, we'll talk about ideas to get more out of your website, and discuss aspects of it that are common to music sites.

Starting a New Website

If you are a band and *don't* have a website, or you are even thinking of starting a band, get a website as soon as possible. The longer you're up with a website, the more it gets picked up by search engines, and the more other folks link to you. If your band was coming out even in a year from now, it's best to establish your web presence immediately. Even if you have little content, there are directories that try to track *all* bands on the web, and they will all want to link to you even if your site is just getting started. Get it out there now!

Domain Names

A domain name is the address of the website, such as beatnikturtle.com for our band, Beatnik Turtle. Yours should be the name of your band as well. In order to get a domain, you must register a domain of your own.

You will want to lock in a domain name for yourself that matches your band name exactly, if possible, rather than having to tack a "music" or some other moniker at the end of it. If you are fortunate enough to not have a name yet, you can now choose one that doesn't yet have a web domain taken. You won't have to settle for a dot-net or dot-org address.

Most web hosting companies will offer to register your domain for you. We recommend registering it yourself, because some web hosting companies will register your name to their business, making it difficult or impossible to leave them. Keep it under your control, and register it yourself at a domain registrar. We use godaddy.com, but any of them will do.

Web Hosting

One of the first things that you are going to have to do when building your site is to get a web hosting company. Your choices are going to be different from the average person who wants to build a website because you will invariably want to showcase your music on your website. This means that you need to have a high limit when it comes to the amount of data that you can transfer every month because your average visitor will download music.

If you can find one with a content management system, or CMS, you should consider it unless you wish to build your site yourself, or have a web designer. A CMS will allow you to edit the text on your website from anywhere, within an administrative part of the site that you can log-in to.

We personally use Hostbaby.com, which is CDBaby's web hosting site. We actually use it even though one of the band members has a webhosting company, because their services and side benefits are quite nice.

Making a Great Band Website

A detailed discussion of how to build an actual site is out of scope of The Survival Guide, as it gets into technologies that seem to change about every 10 minutes. There are thousands of books and guides on web design. What we can share are some techniques that make a good band website no matter what technologies you use to build it.

While you're considering what to put on your site, you should browse the web and see what other bands have done. You will then find out what most people notice about most indie band websites: They suck. Most of them are really bad. They are a few paltry pages with poor backgrounds that make it impossible to read. They make it hard to find the most simple information about the band, such as the music, or the next show.

If there's a trend of the worst band sites, the mistake that bands most often make is that they highlight the people in the band, rather than the music and the brand of the band itself. In a lot of ways, the band members are the least important part of a band when it comes to *marketing* the band, unless one or more of the band members are famous (or have large breasts). The people all over the world that are visiting your band website don't care about the people who are making the music until they've decided that they like the music first.

Because of this, the most important thing that you can put on your website is music. Put as many free songs on your site as you are comfortable releasing. The more you share, the better.

Profiles

There is more than one type of audience for your website, and you will want to meet their needs with as little trouble to them as possible.

This part of the website design is the same no matter if you have a band, or a company that makes widgets. No matter what you have for a website, you should consider the types of customers that you have, and create profiles for those different customers. Then tailor their website for each of these customer types, making sure that each type is no more than a click or two away from the information that they want to find.

Businesses that really want to get into the mind of their customer will create fake personas of each, with names, pets, income, where they live, what they're like, etc. It helps to envision a particular person because then you can imagine them browsing your site.

We can't do this exercise for you, however we can give you some general profiles. Remember, the idea for your website design is that these profiles should be no more than one or two clicks away from finding out what they want. Here are some profiles and questions that they might ask:

- **Fan who went to a show:** When is your next show? Where can I buy an album? What's new with the band? Where's some music I can listen to? How can I join your mailing list? Where are pictures of the band?

- **Web surfer who wound up on your site:** What kind of website is this? (If they figure out it's music: Where can I listen to the music?) What kind of music do you play, what bands do you sound like? Entertain me!
- **Music Reviewer:** How do I contact you? Where's the band bio? What are the press releases and notables that this band has had? Where has this band been played? When are the next shows?
- **Booker:** How do I contact you? What's the stage plot? How many band members? What instrumentation? Where's a picture or logo to use for the ad that I want to run for your show?

These are not a complete list of questions, or profiles, but you want to make sure that the answers that each question a profile is asking for is easy to locate. It also depends on your goals for the band. If you don't care about a particular profile, then you don't have to answer those questions, of course.

Website Goals

If you have a good idea of the profiles that you want to serve for your site, and have collected the information and are ready to create your site, you should clarify the goals for each profile that goes to the site.

For example, for a fan, you probably would like them to buy your albums. You should make sure that it's very easy for people to do so no matter where on the site they are, and mention your albums often throughout your site. We keep our albums listed on the right side of our site for that very reason. If at any time they're entertained, and make a snap decision to buy an album, we've made it simple for them to do this. On our website, you are always two clicks away from an album order form.

Your site doesn't always have to do with commerce, however. If you make free music, for example, and just want to share it with the world, then your goal is to make it as simple as possible for them to hear, and get your music. In this case, the borders of your site should always have a link that says something like "Get Free Music!" that goes to a page where they can do this.

We suggest a standard, static menu that will fulfill the most common needs of your different audiences, so that they can find what they're looking for no matter where they are on the site. We did this by adding a menu at the top that never changes. Those include: "Buy, Listen, Shows, Join, Booking / Press, and Sitemap." From watching people browse our site, we've found that most all of them can find what they want from that list, with more detail underneath those pages. If they came to the site to look for the latest show so they know where to go, it's simple to find it out.

If you match these goals with the profiles that we mention earlier in this section, you can more powerfully lead each type of person through the site to get to the information or perform the action that you want them to. You should REPEAT the things that you want them to do as often through your site as you feel comfortable. This is to give them many opportunities to do what you'd like them to, and reinforce the message. The most powerful marketing technique is repetition, and you'll find it a common technique on well-designed commerce sites.

Here's some sample goals that you might have for different types of people that visit:

- **Fan:** Buy our albums, join our mailing list, listen to our free music, go to our next shows.
- **Booker:** Contact us!
- **Press:** Contact us! Print our press release! Publish our pictures!

One thing to keep in mind as you consider how to put together your site is to remember that aside from the reviewers, bookers, and other serious browsers of your website, music is entertainment in the end. Fans are going to your site to be entertained, whether that be to listen to music, find out when your next show is, or read about your band. If you can keep them entertained along the way, your fans will want to come back. Just because you have goals for them doesn't mean that you can't have fun.

Website Laundry List

This is everything that we can think of that you will want to consider putting up on your website. It's just a list to give you ideas, you certainly don't have to implement all of it, but if you can manage to make an entire band website while doing none of it, we'd be really surprised. We generated our own site from seeing what other bands did, and eventually came up with a list of things that we wanted on our own site. We find it useful to make such lists before undertaking a big project like this so we don't forget anything, and we hope that sharing it will be helpful to you as you work on your own site.

- "About the band" information:
  - Band name
  - Location
  - Style of music
  - Bands that you sound like (Don't skip this one!)
- How to join the Band's mailing list
- How to contact the band
- Show information
  - Upcoming performance calendar
  - Historical performance calendar
  - Locations, and other information for the next upcoming show.
- Your music
  - Downloadable is best from MP3 or OGG formats
  - Streaming music or Radio
  - Lyrics
- Band Store
  - List of albums (with pictures of covers, song lists, sample songs, etc)
  - Places to buy T-Shirts and other merchandise
  - Link to where to buy any item, and how much it costs
- Band Bio
  - HTML, Word or PDF format
- Booking information

  - How to contact the band for booking
  - Instrumentation for sound
  - Stage plot for sound
  - Logos and images that can be used for Ads
- Press information
  - Press releases in HTML, Word, or PDF format
  - Contact information for interviews, or spokesperson for the band
  - Album fact sheets
  - Logos and Images that can be used for press
  - Notables page, listing articles and reviews done about the band
- Latest Band News
  - Usually on the front page
- Photo Albums
- Links
- Sitemap

Web Marketing Techniques

There are many techniques that you can use in order to try to improve your websites page rank in the search engines, and also to make your site more entertaining for people who visit. We share some ideas on those topics in this section.

Words

The number one way people find websites they've never heard of is through website search engines. Based on this, there's a simple fact about these sites that people often forget about: They are based on words, and thus, the more writing that you have on your website, the better chance your site will get picked up by the search engines for particular searches.

By now, you've probably run into some of the fake websites that are nothing more than advertisements for a product (usually gambling or online pharmacies.) They actually pick up random content from sites all over the internet to make something that looks like a real website about a topic. They do come up in searches about the topics that they have on their site, even though they're trash.

You can harness this in a good way. Put as much appropriate word content on your site as possible. Write news stories about your band. Put up lyrics to all of your songs. Have a blog about your band's doings. The more words that you have on your site, the more traffic you'll get from search engines.

Also, there is a property called keywords that you can set on each page of your website. You should fill these out appropriately, and use them to help the search engines find your pages.

Pictures

Go and grab any newspaper or magazine. Or if you don't have one handy, just look at cnn.com right now and go to any news story. If you take a look at it closely, you'll see that they have pictures along with just about every single story.

For whatever story you have, it's good to intersperse it with graphics of some sort to break it up. Once we learned this technique, for all of the news stories on our website, and even on our FAQs, we always put images in between it to liven them up. It almost doesn't matter what the pictures are, although the better they are, the more effective the communication.

Break up the words with pictures, and break up the pictures with words!

Delivering Music from your Website

If you are a band that writes and records music, you are now faced with a difficult decision. It's a choice that you are going to have to make right now, as you decide what music to put on your website.

People's attitudes towards new music are contradictory. Most people are interested in getting fresh new music. But, at the same time, they are unwilling to take much of a chance on it, especially if they have to pay for it. As we mention elsewhere in The Survival Guide, people don't seem to mind paying full price for a DVD movie that they haven't seen, but they hate buying music that they haven't heard. This is why radio is so important to the major labels.

So the basic problem is that people like to try out new music for free. When a new person is on your website, they won't have much patience for it, either. You can't make a good first impression with one of your second-string songs. You will want to lead with your best songs right away. And that's the heart of it. If you give away your best songs, why should they buy your album?

It comes down to a simple question: "Is it better to gain a fan, or lose a sale?" We think that the answer is to win over fans. Once you have them on your site, whether they arrived there because someone mentioned you on their blog, or they brought you up on a random search, you will want your best music to be there for them when they first try your music out.

There are two major ways that you can distribute music from your website. One of them is to just let them download the songs by providing a link to the song itself. When you use this method people can download it and play it on their iPod, music player, or laptop, wherever they go. They can do what they wish with the song. If you use this method, make sure to fill in all of the id3 tags on the file so that they clearly say the band name, copyright, and especially a link to your website.

The second way is to stream songs from your site. For your best songs, we suggest that you give away reasonable quality versions of them by streaming them. This doesn't make it impossible for people to get the music, but it raises the bar, and makes people realize that you would like them to pay for the music.

There are players, such as Real Player, which gives you a little more control of how the file gets streamed, but not every user has Real Player. We use a flash radio player to share out the music that is on our albums. With these flash radio players, you can design a playlist, and determine what scrolls across the screen.

We are currently moving to sharing our music using a program called Wimpy Player, which allows you to not only have the songlists, but also to have pictures with each song, and links for each one as well. This should allow you to link to a store so that if they like the song, they can

buy it. We'll let you know how it goes after we implement it from our current, rather simple player that we have running on our site right now.

The main point is that if you do share music, make sure that your music is easy to find while browsing your site. If a person who is interested in your band doesn't know where to find the music, your site needs to be changed to make it as simple as possible.

Promoting Your Music

> ***XJ***: "You've said that from an artist's perspective, one creative challenge of a cultural shift towards downloading individual songs is that when we're choosing what to download -- whether for free, or from fee-based services -- we tend to pick tunes we already know we like. Can you explain what you mean?"
>
> ***DB***: "I notice that the work of mine that tends to be downloaded most is the typical stuff, the hit singles, older Talking Heads material...."
>
> -Boing Boing, **David Byrne launches internet radio station**

> "The music company continues to take ninety-four percent of the gross for promoting and distributing music, and the twelve-year-olds who take zero off the top do a better job... The result is, let us say, that when music under the present system leaves the production studio and passes through six hands, it isn't in the store yet. Whereas, in Stanley Milgram's United States, after six jumps, everybody who wants the music has it."
>
> **Freeing the Mind: Free Software and the death of proprietary culture**, Eben Moglen

Professor Moglen was half right. Even if your music is, for sake of argument, no more than 6 short, digital hops away from everyone in the world, who's going to try to find your music if it's unknown? This concept is vividly clear to any indie band that has been in the trenches for any length of time. Just trying to get more than a handful of people to come out to your first shows is extremely difficult, no matter how good your group may be. You are unknown at that point, and you have to prove yourselves.

While twelve year olds might do a better job *distributing* music, they would never have heard of the groups that they were distributing if it weren't for the promotion machine behind the majors. Professor Moglen makes a good point that people do share things that that they enjoy if it's free to share, but there is a lot of material out there competing for attention. Advertising makes a ***big*** difference in this competition. When you think of the number of fantastic musicians, for example from the Jazz era, which languished in obscurity only to be finally "discovered" when they were senior citizens (after innumerable recordings on major labels and live shows at the most prestigious of venues), you may realize what a difficult task it is to be noticed. One other way to look at it is to imagine a Google-like search bar with all of the music in the world that you can find. What are you going to search for? It will most certainly be something that with which you're already familiar.

Outside of an exceptional junior high word-of-mouth campaign, Moglen's twelve year olds can only help you so much. They're more likely to promote Britney Spears than your band. With distribution knocked down as a major barrier, promotion is now the biggest issue left for indies. That is where indies must focus their efforts, especially since commercial radio is still locked out. Having a quality product is not enough, you need promotion.

There is already a lot of information out there about how to advertise your band. Of course, you should do these things. We certainly do. These include putting up posters, sending out announcements to your mailing list, and setting up a quality website.

However, in this section we want to share what we've learned that is unique, items that you won't find anywhere else. What follows is a series of anecdotes all related to the same promotion lesson. In other words, this will not be a step-by-step, what to do guide, but it should give you ideas about how to promote yourselves.

In the end, we hope these are useful to you, but we also hope you will be able to share some of your ideas with us some day. After all, our goal with this guide is to find like-minded individuals who also want to share their experience with us, and also with others who read this site. We'll continue to update this section as people send us ideas. Please, if you have an idea for us, **send it in** or **add it**! As you already know from just reading the guide this far, we indie bands are all in the same boat.

Networking

There are really only two ways to submit your music. The hardest way is a cold submission, where no one from your band knows anyone at the place where you're submitting. The best way is by using a warm handoff, where someone who knows the receiver submits your music for you.

Always think of it from their point of view. Rather than having to listen to your album among a huge stack of other submissions (which are probably lame,) they'd rather have someone that they trust tell them who is good and start there.

This idea is the basis for promoters. Getting a promoter is basically a way to pay for a warm handoff. Not all of these promoters are worth the money, however, and you probably have more connections and free options than you think.

If you think about it, there are possibilities that might be sitting under your nose. Below are some ideas. As always, if you can think of others, tell us about it so that we can add more to this section.

Other bands

Other bands are almost always your best contacts. Once you get started and get to meet other bands in the community, you really should keep track of all of them.

First of all, opening for a band that you know can get you to be known by venues that you haven't played at before. If you're good, they may have you back as a headliner. Generally, venues are satisfied when the bands can save the booker time by giving them an entire evening of entertainment, so having a "friend band" get you in to a place as an opener is usually a win situation for everyone.

In general, it's a good idea to form a cartel of bands that you know that can help fill in for gigs that you have to cancel, and to help book for each other. The downside with playing with a band that you know is that you don't get your music in front of new audiences. But the upside can make up for it, simplifying a lot of issues.

Using other bands for booking and getting into new venues is just a start, though. You can use your band contacts to get into many other types of opportunities. For example, we tried unsuccessfully in the past to get into the **International Pop Overthrow**, which is a music festival that comes to Chicago (and other cities around the world.) We found out that one of our friend-bands was in the festival and asked if she'd help us out. She introduced us directly to the guy who ran the festival. We got to hand our kit directly to him, shake his hand, and talk with him for a while. One week later, we were playing the festival, one that you usually have to submit material to months in advance, filling in for a band that couldn't make it. At the beginning of the set, he introduced us somewhat uncertainly as he really hadn't heard our material, remarking out loud that not many pop bands have horns. At the end of the set, he praised our performance, and later invited us to his other festivals, including one overseas. We became a lock for the festival the next year, and we also got on the compilation CD for the festival.

Sound Guys

If your sound guy turns out to like your music, don't forget to use them as a contact. They often are affiliated with more than one venue.

For example, we made contact with a sound guy who helped us record our live album. He had good things to say about our music, and we loved working with him. After talking to him for a while, it turned out that he does sound for City of Chicago events and festivals. It turned out that he could get our music directly in to the hands of the people who make decisions about music for many events and give us a good recommendation. It's very difficult to get contacts to the decision makers like that, but a sound guy sometimes has a more direct access to those influential people.

Bookers

Bookers that work for bars and venues are sometimes affiliated with just one venue, but they often eventually move on to other places. Once you have contacted them, keep in touch. They may be able to help you get shows in the future. Certainly, you need a good relationship with them while you're working with them at a venue. Always think of the future.

Standing Out

A number of years ago, Derek Sivers from cdbaby.com visited Chicago to speak about promoting and selling music. Derek is the president and founder of a unique company and online music store for indies with thousands of indie artists available on his website. As the president of cdbaby.com, he has had a lot of experience with promoting independently produced albums. One person in the audience asked him what CD's were the most successful and why. His answer surprised us and has always been at the forefront of our minds as we promoted ourselves.

One woman had written an entire CD about sailing. While that topic alone was not enough to drive people to buy the album, the amazing thing is that she had gotten written up in a sailing magazine, and in that article published the 1-800 number that cdbaby.com provides to take orders. A review of a CD about sailing published in a *music* magazine would probably get little notice. But in a *sailing* magazine, people read the article and bought the CD, and she became one of the biggest sellers on cdbaby.com at that time.

Dedicated music publications get huge stacks of CDs to review, and even if the review is a good one, the reviews don't stand out. The review is one of many in a sea of other reviews. Specialty magazines, on the other hand, like a sailing magazine, don't get many CDs at all, and if they review it, the article will invariably stand out as it did in this case. The woman's CDsales skyrocketed and she got some good publicity. We have dubbed this the Standing Out Lesson.

Piggybacking

Piggybacking is the idea that you can promote your band more successfully by leveraging something (or someone) that has greater recognition and pulls in more eyeballs (or, in this case, ears) than yourself. This "something" can be a person, charity, or business, a place or annual event, or even a thing. In promotion, the thing that costs the most money to establish is name and brand recognition. Rather than trying to establish your band name, you can use something that people already know well and leverage it for yourself.

One of the simplest ways to use piggybacking is to mention the bands that you sound like on your website. People who know those bands and search on them will find your site on searches for those bands, and may gain you new fans. You should also use other band names that you

sound like on all of your digital music stores, or anywhere else that your band is mentioned among many other bands.

Another way to use this idea is to make an album or a song about a holiday that people know well. When they search on "St. Patrick's Day" for example, your band might come up. In this case, you're Piggybacking on something that people already know well. We discuss this in Idea #3, Make a holiday album.

As you market yourself, think of other ways that you can piggyback your band or your music on other's successes. We include some ideas here in this Promotion section, but they come up in surprising places. Keep alert for places that need music, but don't have any yet.

Idea #1: Team Up With a Theater or Comedy Group

If you stick to playing bars and music venues, you can certainly do well and keep a good draw. But based on the Standing Out Lesson, if you want to get new audience, you need to get your music in front of new people. One good idea is to try teaming up with a theater or sketch comedy group to get new audiences to hear your music.

We tried this, and really enjoyed the experience, which we share below.

Second City

When our friends in the "Dolphins of Damnation" sketch comedy group asked us to team up with them in their bid to get a run of shows at Second City ETC in Chicago, we readily accepted. That was one of the best moves we have made. The Dolphins' bid for the theater, although in heavy competition with other sketch comedy groups at the time, stood out thanks to the fact they promised Second City a band. Teaming up with a rock band is what made their application stand out and get noticed. It turned out that Second City ETC had never had a band perform alongside a comedy troupe before. The Dolphins' got noticed in the sea of applications and they auditioned. Their talent secured the deal. The result was a unique and successful seven week, 6-show run at Second City.

As their backing band, we wrote and developed all the music with them, writing transitional music between sketches based on instrumental versions of our own original songs, as well as writing a theme song for the group. Two of the sketches contained songs written by their musical director. These songs normally would have been supported by piano only. However, having our band at their disposal, they were able to turn them into a full musical numbers, which wowed not only the audience, but also the Second City personnel and managers. Best of all, knowing we play quirky, tongue-in-cheek music, the Dolphin's insisted we play one of our original songs in the middle of the show using "Saturday Night Live" as a model. This exposed us and our music to an entirely different audience – one that normally would not have heard of Beatnik Turtle much less bought our albums. The albums we sold throughout the seven week run were some of the sweetest sales we could get. It was quite an experience.

As we said, the managers at Second City said that they hadn't seen anyone else team up with a band before. Now the following may seem like no big deal, but it's what makes sure your band gets to return in the future. You see, being theater people, they had their own stereotypes of what "rock bands" were like and how musicians typically (mis)behaved. However, they were impressed with the level of professionalism we put into our performance (e.g. we showed up on time and played well), as well as the speed and courtesy with which we set up and tore down our equipment. In other words, although we didn't know it at the time, we came in representing independent music and left them with nothing but positive feelings. So much so, that we ended up working with them again in the future.

This was a huge success from many standpoints. First of all, playing at Second City was a great experience for us. It allowed us to not only get exposure in front of a new audience, but also taught us a few things about music in a theater environment. Writing music to support what was on stage rather than getting the audience to focus on the song and the band was quite a new experience for us and a challenge that gave us a new awareness and appreciation of music. And, there was an added advantage: In an average bar, most people are talking, yelling, and spilling beer over each other, but at Second City, they were all there to listen and watch the show. When we performed one of our songs in the middle of the show, it was one of the strangest experiences we had: the entire audience sat quietly and listened to our song.

But one of the best benefits of this team-up was that our band's "resume" and press kit grew. For songs on our humorous Un-Holiday album, "Santa Doesn't Like You", we were able to add "As Played at Second City" since we performed these songs each week. Although we've played at some great venues in Chicago that took us years to break into, few people, even good fans, really noted the achievement. But when we said that we'd played at Second City, that raised people's eyebrows. "That's the big time!" they would say. Well, it might be the big time for comedy, and there might be huge barriers to getting your comedy group noticed there, but it isn't for music. Again, it's like the woman with the sailing CD. A band in a bar is a band in a bar. It's expected. But a band at a theater is unique and different. It's hard to put anything on an indie band's press kit that gains notice. Even though we'd been playing for over six years at the time and had many other accomplishments under our belt, Second City got us a lot of exposure and added a great deal of legitimacy for our band. We even got mentioned in a post-show print interview.

The lesson here is that the Standing Out Lesson is larger than just getting written up in magazines. It's about finding new and different avenues for your music that is unexpected and will set you apart for the audience. Think of teaming up with other groups like theater, or comedy groups, because playing in those venues is a real treat and you get to play for an entirely new audience. And because these type of team-ups are rare, they are easier to get. We highly recommend doing something similar.

Idea #2: Write Music for a Business & Have Them Promote Your Music

Two of the biggest problems that an independent band faces are distribution and promotion. If you can write music for a business, they can both promote and distribute your music, especially if they make retail products. If you can write music about their products or their company, its an ego boost for them. They are not promoting a band, they are promoting themselves. There are a lot of very clever businesses out there that sell interesting or trendy products, and you can hitch your own fame onto their success, and marketing.

Whereas in the past, making commercials was seen as "selling out," the ad campaigns of VW and similar companies have been known to boost obscure bands into popularity. But you don't have to aim for large companies, even small companies can help you get your music to many new fans.

The Cheapass Album & Cheapass Games

Beatnik Turtle tried this team-up technique with a unique games manufacturer with a devoted following. It started out accidentally, after we found inspiration in an usual place; a board game. The game we were playing was called "Deadwood" – an off-the-wall game designed and manufactured by Cheapass Games in Seattle. As we were playing it, one of the band members drew a card that read "Were All These Beer Cans Here Last Night?" We immediately thought,

"What a great song idea!" A few weeks later, the song was written and a **demo was recorded**. A new song was born and added to our set list.

It certainly could have ended there, but then we hit on the idea to email the game company and share the song that they had unwittingly inspired. We sent them the song and, surprisingly, they wrote back the next day and asked if they could put it up on their website. Within a few months of it being posted, the demo was downloaded well over 5000 times. Soon, it took on a life of its own, winding up on blogs, message boards, and internet radio stations, all without our help. Again, all this occurred simply because Cheapass Games posted the link to the song on their website, nothing else! It turned out that they have a large, built-in audience. Their website was so popular that when searching on "Beer Cans" on Google at that point, our demo song was on the first page of links. Because we had already gotten a lot of exposure, it was already a great success. It could have ended there. But, applying the Standing Out Lesson, we took this idea a step further.

We always enjoyed Cheapass Games' games, especially their sense of humor. With the success of our "Were All These Beer Cans Here Last Night?" demo, we tried to figure out a way to support their efforts. Since most of their games were as tongue-in-cheek as our own music, we felt we had something to offer them. Plus, since Cheapass games is an indie game company, just like we are an indie band, we felt a special kinship to them. We wrote the company and made a proposal: we would write an album inspired by or based upon Cheapass Games and call it a musical product catalog and ambassador to hopefully help spread the word about Cheapass Games to a whole different audience; the music community. Of course, knowing the Standing Out Lesson, we were also hoping to help spread the word about Beatnik Turtle to the game community. To our pleasant surprise, James Ernest himself wrote back and said he not only did he like the idea and the and the music we wrote, but also Cheapass Games would be willing to sell and promote it through his business channels along with his games.

The scope of his company is worldwide and Cheapass Games ships thousands of units of product a month. A CD is small and can fit inside of even the small game boxes that in which he ships his products (about the size of the old CD longboxes.) We know of very few indie bands that have access to this worldwide distribution. We were extremely lucky that this all nicely fell into place and that Cheapass' off-the-wall sense of humor meshed well with our own sense of humor and musical style.

The benefits of such a collaboration included:

1. **Inspiration** - We wrote 12 songs for this album, and we did it in a short amount of time because we had a catalog of games and game concepts to work from.
2. **Distribution & Exposure** - For a band, the two of the most difficult things to overcome are distribution of physical CDs (not shipping from a site like cdbaby.com, but selling from actual stores,) and exposure. A CD being sold in a game store is unique. It might catch people's eyes. And, it may catch the attention of the people who love Cheapass Games (it turns out, like Apple Computers, Cheapass Games has a dedicated following) who hopefully will enjoy and get a kick out of an entire album of songs based on the games that they have grown to love and play. In other words, we were able to reach out to an entirely new audience for our music.
3. **Promotion** - Being fans of Cheapass, we gladly promote their games and, in turn, the company promotes our music and band name. Since the album is about or inspired by the company's games and has the company's look-and-feel, the company is firmly promoting their own company, not simply an indie band. After all, if someone hears and enjoys the song "Cube Farm" maybe she'll buy the game. And, because Cheapass Games is promoting the

album to their own games publications rather than music publications, we've finally been able to apply the Standing Out Lesson in its purest form – getting our album and music in publications not typically known for reviewing music, thereby creating the exact same situation that the sailing CD that we described in the Standing Out Lesson.

4. **An Interesting, Press-Friendly, Built-In Story** - When we send this album to *music* publications, it has a unique and interesting built-in story. One that hopefully is a little more interesting than "Band Releases New Album." Like the Dolphin's successful application and bid to get Second City for a seven week run of shows, hopefully our press and album kit will stand out from the crowd and go to the top of the stack thanks to the unique collaboration and story behind the album. The idea is to create the exact same situation that the sailing CD that we described in the Standing Out Lesson .

5. **Cool Album Art by a Well-Known Artist** - One of the best side-benefits of the Cheapass Album project was that James Ernest got the band in touch with an artist who does work for Cheapass Games, the world-renowned Phil Foglio. He agreed to do the cover art. Soon, we were talking with Phil directly. After a few discussions we hit on the idea that the cover should be many of Cheapass Games' characters playing instruments on stage – as if they were the band. While it cost some money to have him do the cover, he now sells the album on his own website, and helps to distribute and promote the album, again throwing The Cheapass Album in front of an entirely different audience. Being as talented as he is, it should come to no surprise that Phil's got a very dedicated following. Some of our album sales alone can be attributed to the fact he drew the cover, and the *album artist* promotes and sells the album on his own website. How many independent bands get *that*? (By the way, if you're into comics or art, we encourage you to learn more about Phil by visiting **www.studiofoglio.com**).

6. **A Licensing Deal with ABCFamily/Disney** - The song "Get Out" on the Cheapass Album is based on the Cheapass Game "Get Out." The theme of the game is that all of the players are living in their parent's basement. Each person races to get a job, get an apartment, and get a life. The song practically wrote itself.

   After the album had been out for a year, out of the blue, we got a call from ABCFamily (part of Disney.) They contacted us about licensing the song. It turns out that they had a reality show called ***Kicked Out*** in which they kick out a 20-something and follow him as he got his first job, did his own laundry, and struggled to get by on his own. Our song "Get Out" had a chorus that was perfect to use underneath their ads. We completed the deal and brought some income to the band.

When we pressed Disney to find out how they heard of Beatnik Turtle, and the song, they only said, "It was on someone's iPod." Whether the person was a game-lover and liked Cheapass Games enough to buy the album, or they file shared it for free, the increased exposure that we got from Cheapass Games got us a licensing deal. We're hoping that it leads to more deals like this one.

Idea #3: Make a Holiday Album

If you make a holiday CD that people enjoy, that CD will be something that becomes fresh every year when that holiday comes around again. Could you imagine listening to "White Christmas" other than the Christmas holidays? But that song does get brought out year after year and listened to repeatedly. You can tolerate something once a year that would disappear to obscurity otherwise. Even better, your songs could become a tradition. The holiday does not have to be Christmas, there are other neglected holidays that can entire albums written about them.

We had fun making an un-holiday album, which we talk about below.

Santa Doesn't Like You: The Un-Holiday CD

Sometimes one song can spark an entire album. In the case of our second album, *Santa Doesn't Like You*, it was a song called "Take It Down", which was described by one music reviewer as: "…an inspired dressing-down of the neighborhood yutz who can't seem to take down his Christmas decorations 'til May." It had been a staple of our live show for some time and people were requesting that we record it and put it on our next album. We had trouble with that since "Take It Down" is essentially about Christmas (in spite of it's relevancy throughout the year for ***some*** people.) To put that on our next album in between other non-Christmas songs seemed wrong.

Luckily, we hit upon the idea to create an entire album of Christmas music. However, we took the idea of a traditional Christmas album and turned it on its head. Shortly after, we recorded the song "Santa Doesn't Like You," and more un-holiday songs quickly followed. Not only was recording an Un-Holiday album fun to do, we soon found that many shared our own sentiments about Christmas songs. It was a great change of pace from the carols and sappy-sweet music that's played all season long.

As soon as we finished the album, we sent it to Dr. Demento's radio program, with the hope that he'd find something it appropriate for one of his holiday shows. **Dr. Demento** has a weekly two-hour radio show that features humorous songs and comedy that is heard on well over 100 stations coast to coast. Best of all, the Doctor plays new funny songs sent in by amateur and professional singers and comedians. For example, this is where Weird Al Yankovic got his start.

We were very happy when Dr. Demento played the title track for "Santa Doesn't Like You" on his show., The national exposure got our website and the band a ton of attention. We were even more surprised when we received a letter in the mail thanking us for the submission. Any band that makes music that's off-kilter should listen to the good Doctor and then look at his **upcoming topics list** to see if you have a song that fits.

We held a big CD release party for the album and dubbed it our first ever Un-Holiday Show. We featured many of the songs on the album as well as learned some off-the-wall Holiday covers (No, we didn't learn "Grandma Got Run Over By a Reindeer.") Once the Holiday season ended, we put the songs and album away and moved on. It just didn't seem right to play Holiday-oriented songs during the regular year. We figured our promotion of the album ended and we'd focus on a new project.

But that was not to be. We were pleasantly surprised when November rolled around again and online sales for the album rekindled. We quickly realized why major labels like Christmas albums: they have legs. Having a Christmas album, albeit an Un-Holiday one, meant that we could re-support it every holiday season. And we could introduce it as if it were new to audiences. To anchor our sales, though, we did an anniversary of our CD release party, and invented the Annual Un-Holiday show.

Now, as luck would have it, the CD manufacturer that we hired to create the CD accidentally ran two pressings of the album. They called us up a few weeks after the initial pressing and asked if we'd be interested in purchasing the extra 1000 CDs they had taking up room in their facility. The cost? Shipping. Needless to say, we took them up on their offer and a week later 2 boxes of CDs – no art or cases arrived at our door.

To help promote the Second Annual Un-Holiday Show, we decided to take these extra CDs, package them, create some artwork, and sell them at a discount at some of the more popular local record stores in Chicago. We created a special CD display for use by the cash register and made

sure each album had an announcement for our Second Annual Un-Holiday Show. We told the record stores to sell the album for only a buck (there's something goofy about giving it away for free that makes people think it must not be any good) and to keep the profits. These were Mom & Pop independent record stores after all, not Best Buy or some other huge chain. It was our gift to them. Besides, it was the Unholidays after all.

The good news for us was that the effort in creating the art work and display paid off. Our band's album stood out from the others at the store. Again, the Standing Out Lesson paid off. We managed to sell hundreds of copies of Santa Doesn't Like You and made some friends with the independent record stores. Although we passed on the profits, we did what we set out to do: get our music in the hands of a lot of people who hadn't heard us before and get our band's name out there in the public eye. Plus, a ton of people showed up to our Second Annual Un-Holiday Show, perhaps one of the biggest in our history.

The Un-Holiday show has already seen its third year, and we hope that it will be better attended the longer that we have it.

Idea #4: Play a Charity Show

Playing charity shows is a mainstay of Indie bands everywhere. There are many benefits to doing a show like this, not the least of which, the fact that you are (hopefully) helping out a good cause. This goes along with our idea of piggybacking. In this case, promoting a charity, where they will promote you, because they have an interest in bringing in your fans, and other music lovers to the show.

Normally, many other bands play at these benefits, and you'll get to play to new audiences. It's also a great time to meet new people, and hear other bands. The other benefits are that you normally get a news mention, as well as a mention on their website. It's sometimes good material to use for press releases as well. Some newspapers are looking for just the right little blurb to use in their Weekend sections, and these charity shows are often good for that.

Idea #5: Play an Art Opening

Not every band is suited to play an art opening, but sometimes, mixing music with art is a very successful combination. Based on the standing out lesson, when people are at an art opening, they notice the music amongst all of the art. If you had art at a music show, they'd be the ones standing out.

Often with art openings, there is a guaranteed audience, publicity, and is sometimes a great place to make connections.

Idea #6: Music for Podcasts and Websites

We discuss these ideas in the Distribution section of The Survival Guide, but the concept is one for promotion as much as distribution of your music.

For example, music played on a website can both use the standing out technique, as well as piggybacking, since the right kind of song being promoted by a popular business can get you a lot of very good attention. See Idea #2 and also the website and podcast articles in the distribution section.

Promotional Tricks

We've picked up some promotional ideas from different bands, as well as ideas that we came up with that worked. We share these tips here. Enjoy! And definitely tell us if you have one of your own. We'll add it here.

Girls! Girls! Girls!

At one album release party, some of our very helpful female friends went right outside the bar, which was in a very busy part of downtown Chicago (Wicker Park) and handed out fliers for the show. They diverted people in from the street!

That was one of the best-attended shows we ever had.

Pre-Show CD Giveaways

If you have a sample CD to give away, set aside some before each show. Once you know where you're going to play, go to record stores near the venue and give them a stack of your promo discs to give away.

Make sure to do the following. You can skip to # 3 if you don't have a giveaway disc.

1. Put a flier next to the stack of CDs that says that has the details for the show. You can say something like "Listen to the band playing at the Brewhouse this Saturday!"

2. Make sure to put in a mini-flier for the show in the disc, so when they open it, they know where and when to go to see the band.

3. Put your full discs in the store on consignment, in case they like what they hear.

4. Put a flier up for the show in the store.

5. Give a copy of the disc to the store employees. Give one to each employee if you can. Tell them that you'd also appreciate it if they'd play it on their sound system at the store. If they like it, maybe they'll promote the show! Employees at a music store are not really doing it for the huge piles of money that they're making at the store. They love music!

Sometimes, we've had the store sell our promo disc for $1 and told them to keep the dollar. Almost no record stores will turn away free money. People sometimes only trust things that they have to pay for, and don't mind paying an extra dollar. You sometimes have more luck getting people to take the discs if you charge something for it. And that way, the store will sometimes promote it! Also, if they're profiting off of it, they won't mind putting it right next to the register, as an impulse buy. We had a promo disc (the happy result of a color mistake by the guys pressing the album who gave us 1100 discs for the cost of shipping!), and gave away over 300 copies using this technique in stores all over Chicago.

Interviewing Other Bands

One band made up of good friends of ours interviewed other bands, and put up the interviews on their website. This was an interesting way for the fans of each band to get to know each other, because the interviews were promoted on each website. Independent bands need to stick together, and this was an easy way to do it.

As always, if you have other ideas, please share it with us!

Distributing Your Music

Two of the more difficult problems that an independent band faces are promotion and distribution. The Survival Guide has a section on promotion, and this companion section has the ideas on how to distribute your music.

We're going to break distribution into two areas; first, how to sell your music, and second, how to get your music heard. As you think about how to get your music out there, you need to consider how much of your music to give away, compared to how much you want to sell. We, as independent bands, operate in a strange part of the industry and are constantly deciding how much of our best music to give away, compared to how much of it that we are going to keep. We need to put our best foot forward by giving people our best songs in order to entice them to listen to our music. But then we're removing their desire to purchase them, which is especially true as more people buy from digital services that sell music by the song rather than the album. In general, we suggest erring on the side of giving away too much of your music rather than the opposite. A non-paying fan is better than no fan at all, because you might be able to interest them in T-Shirts, future albums, or shows.

Selling Your Music

We know that we tell you in The Survival Guide that The CD is Dead, but we also acknowledge that the CD is still the only good way to hand a person your music when they come up to you at a show with money in hand. You should have a good stock of CDs on hand so that you can perform physical sales. Be smart about how many you make, however, because digital music sales are where music sales are going and you don't want to waste too much money replicating CDs. Many bands are using their computers to burn their own CDs in limited amounts.

Before the Internet, your only good option for selling CDs was direct sales at shows and consignment at CD stores. Now that the Internet is here, you can sell or give your music directly to your customers no matter where in the world they may be found, and you don't have to print CDs to do it.

Below are ways that we've used to sell our own music. As always, we'd love to hear more ideas so that we can share them here with others.

The below section talks about the following ways to sell your music:

1. Selling at Shows
2. Consignment
3. Online CD Stores
4. Digital Music Stores

Selling at Shows

The cheapest, simplest, and most successful CD sales usually come from selling your albums at shows. You're on stage, you're playing live, it's the most natural time that folks would want to buy your music.

You should have someone run a store for you while you're performing. That way, you can announce the CD from on stage and go back to playing. If you can't get anyone to run your store, then you'll have sell them from on stage or after the show.

Don't forget to announce that you have music available for sale!

You should not only announce that you have music for sale, you should do it many times throughout a show. Some people just need that reminder, or that extra push to get them to make the purchase. Effective marketing is based on repetition. Don't repeat it after every song, but definitely remind people in the middle and end of each set. If you feel embarrassed repeating yourself like that, remember that some people might have just walked into the room and need to know where they can buy your music.

Below are a few ideas for making selling at shows more effective:

Credit Card Sales

Normally, sales at shows are cash only. There are ways for independent bands to perform credit card sales. If you'd like the ability to do this at shows, we recommend using CD Baby's credit card program, which we have used. For a little money, they give you a credit card swiper and some receipts to swipe it on. Although, keep in mind that they also take a small cut of every sale to handle the credit card transaction.

A lot of people at bars waste all of their cash drinking beer. We're all for that, of course! The problem is, that leaves them with nothing to buy your CDs. A credit card swiper is a good way to fix this problem.

Digital Music at Concerts

If you have someone to run your store, and can bring a laptop to the concert, you can sell digital music to people at the show. Advertise to your fans on your website or mailing to bring their iPods or MP3 players to the show.

Just rip your music onto MP3 files, and bring a laptop to your show with some standard cables, including a USB cable and an iPod cable. You should also get iTunes and have it ready to go on the laptop so that you can accommodate iPods.

You can probably afford to charge less than the price of a CD to do this, because you don't have to actually duplicate any CDs. Doing something novel like this can get even more people interested in buying your music. And a lot of people bring their players wherever they go, so you might even be able to make sales to walk-ins to your shows.

Consignment

Most music stores, especially the mom and pop stores, will let you sell your CDs on consignment. This means that they will pay you after the album is sold rather than before.

Consignment helps you even if you don't sell a single CD. As we discuss in the promotion section, your band name is a brand. You want to get your band name in front of as many people as possible. If they see your CDs at stores around your area, they will start thinking that your band is significant in your local area and will recognize your name the next time they see a poster for your shows.

We recommend that you give away CDs to all of the people working at all of the stores where you sell your CD. If any of the employees of the CD store like your music, they will be more likely to promote it to people walking in the door. You might want to give an extra one to the store itself so that they can play it on their house stereo. People who work in CD stores are not doing it for the money, they love music and they usually recommend music to customers. Your CD just sitting in a consignment bin does not sell itself. It needs to be heard and to have other people tell customers that it's worth buying. If you want to convince people to listen to your music, you need to start with the folks that work at record stores. They will help recommend it to others.

If you need to fire yourself up to do this, we suggest watching the movie High Fidelity, and then read this section again.

Online CD Stores

Consignment will only get your music into a few local stores. With the Internet, all musicians are global. While some people want digital music, there are still many people who want physical CDs. Online CD stores are the way to do this, unless you want to set yourself up as an online merchant, and want to deal with packing, shipping, and handling orders.

When you evaluate online CD stores, make sure that the front page of the website looks like a *store*, and not an ad for musicians to sell their music. When you go there, imagine that you are a music fan, and not a musician at all. Ask yourself where you'd go to buy music. If the online store front page talks mostly about being a great place for bands to sell music, don't use them. They are probably there to just take money from indies.

You can find out any website's customer base by looking at the services that are emphasized on the front page. On any good online music store, the storefront will be about selling music, with perhaps one link about where bands can go to sell music. Even better, it should be buried pretty far into the retailer's site, as Amazon.com's is.

If you use a store that seems to be friendly to indies, make sure to read the agreement. We can't emphasize this enough: **DO NOT SIGN UP FOR ANY SERVICES THAT TAKE THE RIGHTS TO YOUR MUSIC**. The music store is there to sell your music but they should not get any more rights to your music than a grocery store gets to the breakfast cereal that they sell. Read the agreement carefully!

You can be on as many online CD stores as you wish. There are two online stores that we can recommend at this point, but they are not the only ones available. Once we found stores we were happy with, we stopped wanting to pay setup fees to get onto more stores. At the same time, we'd love to hear suggestions and investigate other stores if you have any recommendations.

CDBaby

Our top suggestion for online CD Stores is CDBaby.com. We have used them for years and are wildly happy about their services. Their price structure is simple: There is a one-time setup fee, and from then on, CDBaby keeps the first $4 of each CD you sell, and you get the rest of the money. If you charge $10, you'll get $6 a CD. If you charge more, you'll get more.

We've been happy with their services for many reasons. Here is a short list of advantages we found with CD Baby:

1. **Feedback from customers:** When the customer's buy the CD, they have an option to say where they found out about your music. This has been invaluable to us as a way to find out how people are hearing about us. You will also get their email address.
2. **Digital Distribution:** You can choose to have all albums also digitally distributed on all of the major services.
3. **Presence in Tower Records:** CDBaby has a kiosk in Tower records where customers can get your music.
4. **Suggestions:** They give you suggestions of how to market and sell your music. Their regular emails have turned out to have surprisingly useful advice.

There is a much longer list of benefits, and we suggest that you read here (http://cdbaby.net) on their site if you'd like to get an idea of their offerings.

The store was created by Derek Sivers, who is an interesting person in his own right and is one of the few voices that speaks for independent bands. The related site, CDBaby.org, has discussions of topics that are of interest to musicians, as well as links to sites that have good advice.

Amazon.com

Amazon.com has a program for selling music from independent bands. Their deal is slightly less advantageous than CDBaby's, as they take a percentage of the profits, rather than a flat fee of $4 per disc. But Amazon.com is a site that gets enormous amounts of traffic, so there is a good chance of making sales there.

Using Online Stores Effectively

There are four simple things that you should do to get the most out of online music stores:

1. List major bands that you sound like in the album description.
2. Add good quotes from reviews in the description.
3. Make sure to give song samples if they allow it. If they don't, put song clips on your site, then link to those clips from the description you enter in the online store.
4. Put links to all of your online album storefronts from your band website.

We'll talk about why you should do these below:

List Major Bands that You Sound Like

Marketing buys one important thing: familiarity. Customers need to know the product that you're trying to sell. Being an indie band, your marketing dollars probably went to replace that guitar cable that shorted. So, it's unlikely that customers have heard of you. There's a simple solution: You can tap marketing dollars spent by well-known groups by mentioning bands that you sound like in your description.

We have met bands that hate to be compared to other bands, insisting that they are unique. Until you become famous enough where people mention **your** band name when they are talking about a certain "sound," you should use the major labels' marketing dollars wisely.

On CDBaby, the site has a special description for "bands that you sound like." And there's a companion search bar for customers that asks them what bands they like. This is a very effective way for customers to find bands that they might enjoy when they don't know what to search for. On other sites, make sure to mention two or three bands that you sound like in your music description so you come up on searches when people look for those bands.

This idea is nothing new, it's just good business advice. For example, in the franchise world, you will often see a Burger King next to a McDonald's. The reason is that Burger King learned early on that McDonald's would do market research to find the best place to put a fast food restaurant. Burger King learned that since they were in the same market, they could just put their stores right near it and do quite well.

Add Good Quotes From Reviews

Aside from a few people who just love listening to new music, most people don't want to take a chance on new music unless other people have tried it first and told them that it was good. When they buy something that they haven't listened to before, they like going by what other people think. There's a reason why the movie ad section is filled with little else besides great quotes about the movies. Your album description should use the same technique.

Your general goal in writing the description is to tell the customer: "Lots of other people think this is really great!" Good reviews are one of the best ways to do this.

Give Song Samples

Music, more than just about any other entertainment that people purchase, is something that people want to try before they buy. That is why the radio is such an important part of the music industry. People are willing to purchase a movie on DVD before seeing it rather than music before hearing it. Perhaps this is because people spend more time listening to music, and listen to it more often than movies, which they tend to view just once or twice.

Your best bet to demonstrate to people that your music is worthwhile is to give them actual songs or clips of songs. If it's on your website, you should have samples of every song on the album. If it's on an online store, make clips of as many songs as possible. Show them that you have nothing to hide. On iTunes, you can listen to a short clip of every song in their library, especially because, in their case, you can purchase music by the song. With music, try before you buy rules the day. Give them as much information about the albums as possible.

Put Links to Your Album Storefronts from Your Website

The CD stores are there to help sell your albums, but you need to make sure to link to the stores from your website in many places. The goal of your website should be to make album sales and it should be simple for people on your site to know where to buy your music. We provide links for places to buy our albums on every page of our website.

Some CD stores will allow you to put a "shopping cart" on your own site, so that they will only leave your website when they are ready to purchase. We recommend doing this if possible!

Digital Music Stores

As we mention elsewhere in The Survival Guide, the CD is dead. Your best bet for music sales are digital music stores, rather than physical ones. People don't want to pay for shipping, they don't want to carry the CDs around with them, they don't want to store the CD, and they don't want the jewel case. Digital music sales are the way to go for all musicians, not just indies. Services like CD Baby and Tunecore handle digital distribution. Also, disc replicators and duplicators have gotten into this area as well such as DiscMakers (which now owns CD Baby) and Nimbit. For a complete listing see IndieBandSurvivalGuide.com.

We have been happy with CDBaby's digital music program, as they take care of converting your music into all of the formats that each separate service requests. They also take care of consolidating the accounting. If you choose to use their service, you have the added advantage of having them take care of both online physical CD sales as well as the digital sales. Please note that they do take a cut.

Getting Your Music Played

As we discuss in the Realities for Independent Bands section, the old dream of sending an album to a big commercial radio station and being discovered by the world is long dead. Commercial radio is all but closed to independent bands, unless you have a lot of money to spend to pay your way onto their play-lists. While the situation for commercial radio is bleak, there are new options that seem to get invented daily based on the Internet, and other new technologies.

In this section, we will talk about options for getting your music heard by people. As we have said throughout The Survival Guide, if you have any ideas that we haven't thought of, please write us so that we can share it with others. (Or try it ourselves, for that matter.)

The blanket warning that goes with this section is to be careful if you have to sign (or "click") any agreements in order to use services to get your music out. There are many that, unfortunately, take the rights to your music in the guise of helping you out. We suggest being wary of two types of clauses. First of all, if you give up any rights to your music, make sure that it's appropriate for what the service is giving you. And second, if it says that terms can change at any time, a lawyer would probably not recommend it. Many of them have this very provision, and say that the new terms take effect immediately upon posting to the site (and those can be as bad as "We own all of your music.") While it's unlikely that it's enforceable, why take chances? Our advice is that you should have a lawyer look at it if you're not sure. You should be just as wary when you "click" an agreement as when you sign one.

Here is a list of places to get your independent music played that we'll discuss:

- Your Website
- College Radio
- Indie Music Shows on Commercial Radio
- Music Websites
- Popular Non-Music Websites
- Internet Radio
- Podcasts
- Theater and Performance Venues
- Jukeboxes (Own their own)
- File Sharing
- Satellite Radio
- DJs

Playing Music from Your Website

The number one place for people to hear your music is your website. Your website has advantages over any other method because you have complete control over it. You can give songs away as MP3 files, or you can stream them from your site. You can tell a story about each song, display the lyrics, and more.

We recommend giving away as much music as you feel comfortable giving. If you are an independent band, your number one goal should be to get your music to as many people as possible. People do not generally pay for music they haven't heard, which is why radio is so important to major labels. Your website is one of the better broadcast mechanisms that you have for it, so take advantage of your site.

Posting lyrics for your songs is sometimes helpful for fans, but is definitely helpful for getting your pages picked up by search engines. If you want more people to randomly come to your site to listen to music, the more words you have on your site, the more chance search engines will send people to you. Lyrics are legitimate content for a band site and if you have the right combination of strange words you might get ranked highly for the strangest terms. Beatnik Turtle had a song called "Harry Reams" and we were on the first page for Google searches on that term. Our statistics showed that got us a steady stream of visitors every month. Of course, most people

were sorely disappointed when they just found song lyrics. But, to our surprise, some actually stuck around and visited the rest of our site.

For streaming music, we use a few different tools, but recommend the Wimpy player, found at wimpyplayer.com. Originally, we were going to create our own flash radio player that had features that were important to indies. In particular, links to a store for every song, pictures on a per song basis (so you can display the album cover or other pictures,) and flexible play-lists rather than a player that sorted by alphabetical order. The Wimpy player had these features so we held off on creating our own.

As always, we are open to other suggestions for good players and would love to hear ideas.

College Radio

While commercial radio will not accept unsolicited music, especially if it's not accompanied by a fat wad of cash, college radio is still generally pure. They play music that they like and they don't ask for bribes to play it. They love getting music from independent bands, and if they really like it, they will put it in their rotation list. If you want to get played on the radio, you want to focus on college radio.

There is a nice directory of college radio stations on Yahoo.com by region found here (http://dir.yahoo.com/News_and_Media/Radio/Stations/College_and_University/By_Region/).

We learned how college radio works both because some of the BT band members used to be College radio DJs, and also from talking to some college music directors. Based on these, there are a few things that you should do when you submit your CD to a college station:

1. Submit your music on a standard CD in a standard-sized jewel case. Almost all college music libraries are based around the standard jewel case, not the narrow ones or any other type.
2. Take your CD out of the shrink wrap if there is any. Then put a rectangular sticker on the front of your CD case and list the best one or two radio tracks on it. There are two reasons for this. First, don't make them waste their time looking for your best tracks. You don't want them to toss the CD away if your best tracks are number 9 and 10 and the music director got bored before hearing them. Second, they will do this anyway when the music director listens to the album so the DJ's know what tracks to play. You are making life easier for them.
3. If there are different shows on the radio station, submit your music to the person who runs the shows that have styles most like your own music. Music directors will forward it to the person covering the music style that matches your music anyway. Save them time.
4. Follow up whenever you send music to the stations. We can't emphasize this enough. Follow up is the most difficult thing to do as an independent band because of the time it takes, but it is the most important thing you can do to make sure that your music gets played. Sometimes that follow up phone call will move your album from a cluttered desk in a college radio office to the rotation library.

College stations also have local music shows where they'll feature bands and have them play in their studio. You should see if the stations in your area have these shows and try to get on one.

If you do have some money to spend to help you get played on the radio, there are promoters that will both pitch your music to college music directors and follow up to make sure that you get played. The most reputable ones of these will be picky in order to keep their reputation for having good music. College radio music directors that we have talked to said that over 80% of all music they receive is pitched by promoters. These promoters work, it's just a question if it's

worth the money for your band to use them. So, if you do it yourself, understand that you're up against them and they typically have more time and better connections than you do.

If you do use a promoter, we suggest timing it with a tour through the college towns to get a boost for your shows.

Indie Music Shows on Commercial Radio

Commercial radio stations occasionally have local music shows that can play your music. You should, if possible, take the time to learn your local stations well and find out what shows you can get onto.

The suggestions for college radio generally hold for these shows as well. You should read that section for advice on the best way to submit your music. The key with this part is to follow up.

Music Websites

There are a number of music websites on the Internet. You should be quite careful of these sites, as many of them have very bad agreements that give them rights to your music that you may not want to grant. If you don't mind the rights that you are granting, they do help you distribute your music to people.

We are currently not on many of these sites because of concerns about the agreements, but we mention the idea to complete our discussion of distribution options for a band.

We'd like to reiterate a message that we said earlier about music sales sites: Make sure that the front of the website is geared towards the listeners and not to bands. If the front page looks like a billboard for services for indie bands, it's probably not legitimate. Keep putting yourself in the role of a listener. If you can't imagine yourself as a music fan browsing the site for music, skip it.

A few ideas

indy.tv: One that we have gotten good results from is indy.tv, which is an interesting site geared to indie music with a player that lets the listeners choose the styles that they like and doesn't have a worrisome agreement. We had one listener devote a blog entry to one of our songs, including posting lyrics and the MP3 file itself. The person said that he found our song through Indy Radio, and then talked about some of the items on our website.

songfight.org: If you like writing songs at the drop of a hat, like we do, you might find the site songfight.org as an interesting option. They post song titles at the beginning of the week and you have to write and record a song in that week. Then, for the week after the submission date, the front page of their site is devoted to those songs. Anyone who browses the site can vote for a winner. (Keep in mind it's called "songfight" for a reason. Don't read the message boards if you are a sensitive person.) There's no prize for winning a category other than bragging rights, but it's a lot of fun and can sometimes give you inspiration to write and record a song.

Popular Non-Music Websites

Any website at all can post an MP3 file. It does not have to be a music site. In fact, sometimes being posted on a non-music site can make you stand out.

Beatnik Turtle has had good luck with this idea. Once, Beatnik Turtle wrote a song about a boardgame by a small but popular game company. We ended up sending it to the president of the company and he asked us if he could post a link to the song on his website. We ended up getting thousands of downloads out of that. In fact, over a year and a half later, we still get hundreds of

downloads of the song a month. It has been posted to blogs and mentioned on other unrelated websites since then.

The song was titled "Were All These Beer Cans Here Last Night." The reason the song got so far is that the games site had a high search rank due to its popularity. When our song was on their first page of news, it was near the top of a Google search for "Beer Cans." Posting it on the front of our own website would not have gotten the song as far, but getting it posted to another site with heavy traffic helped a lot.

If you try to do something like this, we suggest just giving them a link to your song, not the song itself. If you just send them a link, your website statistics will show how many times the song was downloaded and you will have control over it. While it does give you control about taking it down, the most important thing is that you have control about leaving it up. Since we still get hundreds of hits per month for the song (in the last four months, there were 1900 downloads of the song,) we want to leave it up forever if we can.

Another site that we had luck with was the site No Pants Day (nopantsday.com). They searched the Internet for links related to No Pants Day, and found the Beatnik Turtle song "I've No Pants." We happily let them post it to their site, as Beatnik Turtle is, in fact, pro-no pants. And we vote.

If you see a site that you enjoy, check if you have a song that might suit them or see if you feel like writing a song for it. Some of these websites would be flattered to have a song written about them and are happy to post music. The main reason this technique is so effective is that those websites are not promoting you, they are promoting themselves.

Internet Radio

Internet Radio is a fairly recent technology that uses the Internet to broadcast (or more properly: "webcast") a data stream to people who connect to the Internet radio station using a multimedia player. The FCC or other governmental authorities are not in the business of regulating the number Internet radio stations at all, so there are thousands of them all over the world. They can appear and disappear rather quickly.

Because there aren't limits on the number of stations as there are with real radio stations, there is an abundance of formats that these stations cover. Many of them are friendly to indie bands. Submitting your music to Internet radio stations is a good way to get your music played. And the payola problems that are present in commercial radio are largely nonexistent there.

Some Internet radio stations are explicitly indie stations. While those stations are good for airplay, we suggest that you try to get on a station that covers your style of music. Because Internet radio is not closed, why not try to played alongside popular songs for that style? The listeners that prefer the indie-band-only stations are people that like the newest, most cutting edge music. That audience is much smaller than the general listening public. Also, people often forget that indie music is not a style, it just refers to whether a band is on a big label or not. There are indie bands in country music as well as power punk, but they don't necessarily go side-by-side very well on a radio broadcast. You are better off finding a station that matches your style to get your music heard by fans that would like your music.

We would like to suggest which stations are best for submitting your music but the truth is we haven't spent time submitting to stations yet. We are still doing research for this. We promise to update this section as we learn more about this area. And, as we always say, we love hearing suggestions from you.

Podcasts

Podcasting takes the idea of Internet radio and turns it into something smaller, easier, and more flexible. A podcast is usually an MP3 file that is distributed from a website (although there are new options for this all of the time, including iTunes, file sharing, podcast websites, and others.) Podcasts are usually targeted at one particular interest area. They are often the length of an average radio show, between one half-hour to two hours.

One of the benefits of podcasting is that listeners can break away from "Appointment Listening." Appointment listening means watching a show on TV at the time when it's being broadcast. This is becoming rarer as people have other options such as TiVO or on DVD. Podcasting allows radio to break out of the Appointment Listening mentality and to give people control of when they hear shows. Many popular radio shows are now putting out podcasts of their own because they realize that it would get their material heard by more people.

Podcasts have an enormous amount of variety. Some are nothing more than audio diaries and others are more traditional music shows. There are many that are talk shows where discussions and interviews occur about very obscure topics that wouldn't otherwise be available on the radio. Music is often a part of podcasts, usually in one of three ways:

1. Podcasts that are regularly released and have a large audience often have a theme song.
2. Many podcasts are about music and are similar to music radio shows. They usually feature a particular style of music.
3. The talk podcasts will sometimes play a song or two to break up the talking, especially if the song is about the topic of discussion.

There are a lot of opportunities for indies in podcasts. There are no barriers to entry into them and it is a medium where people can hear your music. Some are extremely popular and have an audience of thousands, or tens of thousands, of people. Even better, if your song makes it onto a podcast, that podcast will always be available as an older episode. Unlike being played on the radio, where people have a chance to hear your song once, usually all podcasts for a particular show are available as archived episodes forever. Because listeners will often download it to their MP3 player, people will sometimes listen to it multiple times. On top of this, sometimes links to the band website or to the song are placed in a podcast's show notes.

Below are some ideas for getting your music played on podcasts:

- Submit your music to a podcast-safe collective so that you can indicate to podcasters that they may use your music.
- Talk to a podcast that needs a theme song and offer to write one (or offer a song that you have already written or recorded.)
- If you release free music on your website, write a note on your website telling podcasters that they may use any of your songs royalty-free. (We suggest releasing your songs using a creative commons license, which spells out their rights clearly.)
- Do your own podcast!

We will elaborate on some of these ideas below:

Podcast-Safe Collectives

There are some people who have acted as a bridge between podcasters and indie musicians, providing a website that has a library of songs for podcasters. Musicians can post their music on these sites and podcasters can use that music in their podcasts without having to pay royalties.

The best part is that podcasters must provide an account of each song that they used. While you do not get money for a song that is used, you will know where it's being played, which is something that most radio stations never do. This is a win-win situation for podcasters and musicians.

We haven't taken advantage of any of these collectives yet as we are currently evaluating the agreements to make sure that they are benign. We will report on our experience with them if we take part. Remember, do not sign up for any services that take the rights to your music!

Podcast Theme Songs

Most every regularly released podcast needs a theme song. Even talk-only podcasts needs one to start and end the show. You can sometimes offer to write a theme song, or offer one that you have already recorded for a podcast. If they like it, they might just mention your band name each show, to tell the audience who did the song. This is the same thing that happens for a lot of shows on National Public Radio.

Beatnik Turtle has had very good experience with this and we can recommend this as an excellent way to get your name out. A year ago as of this writing, we ran across a podcast for a very popular board game website (over 400,000 unique visitors a month.) We had just finished our Cheapass Album, which was an album distributed and promoted by the boardgame company Cheapass Games. We noticed that a boardgame podcast didn't have a theme song. We sent them an email asking them if they'd like us to write one for them. They accepted enthusiastically.

We wrote a theme song for them and even recorded fake "PSA" announcements for them to use during their show. They use our material every show and mention our band name every episode. The website, as we mentioned, is very popular, and we believe that the podcast has thousands of listeners. It has been a very good way for us to get our name out there.

As for finding podcasts, they can be most easily be found on iTunes, or the websites podcast.net and podcastalley.com.

DIY Podcasts

Although a "How To Podcast" discussion is beyond the scope of The Survival Guide, podcasts are not difficult to create. Free software already exists to record shows. New on-line services are appearing that can distribute the large sound files if your own web server can not handle them. Both indie and major label bands are creating their own podcasts as a way to speak to fans directly.

Check out http://www.podcast411.com/ for information on how to create your own podcasts.

Theater and Performance Venues

Theater and performance venues offer performance opportunities that are often neglected by bands. Playing shows with a theater company can be a very effective way to get your music in front of people in a way that stands out.

As we mentioned in our promotion section, one idea that has worked for us was a team-up with a theater group. Due to this collaboration, we performed with a sketch comedy group in Second City.

We recommend that you read that section to get some ideas on how to do this, but, briefly, the benefit is that you will have a truly captive audience. Even if you can only play one song of your own, as we did (like a Saturday Night live performance,) the audience quietly listens to the music rather than talking and spilling beer on each other. Even better, your band name and website will

probably be written on a program for the show which the audience will take home. It's a great experience to play in a space like that and is also a great place to sell albums after the performance.

Jukeboxes

According to what we've heard, there are two types of jukeboxes in bars. One type is owned by a company that puts it in the bar. The other, more desirable type are the ones that are owned by the bars themselves.

Getting your CD in one of these jukeboxes is easiest if you have any barfly friends who have a great relationship with a particular bar. In our case, we had a few, one of which actually put our album in the jukebox. They'd play it from time to time when they came to the bar.

The best part of this is that even if our album doesn't get played, people see our album and band name on a regular basis as they page through the albums. This really helps your name recognition and continues to reinforce that your band is popular in a local area.

File Sharing

As we discuss in our File Sharing for Independent Bands section, we believe that file sharing is one of the best ways indie bands can get their music released on the Internet and spread to the largest number of people.

We suggest that you read the File Sharing section where we cover this topic in detail and talk about the many reasons why you should file share your own music. We'll summarize some of the information here in the context of discussing ways to distribute your music.

If there is one thing that this distribution section should show, it is that it takes a lot of effort on your part to get your music in front of new people. Getting played on college radio, podcasts, Internet radio, music and non-music websites, and similar places all take a careful submission campaign and a follow-up as well. In comparison, file-sharing your music takes just as much time as ripping your CD to MP3 format and installing a file-sharing program. For that tiny amount of effort you have the possibility of getting your music to many millions of people. The people on those networks are ones that care about music in the first place. Since the music on file-sharing networks is free, they are also used to trying *new* music, something that they may not be doing as they browse the Internet.

If you decide to file share your own music, and you want to get the most out of this process, make sure that you've prepared for it. You must have a website for your band that comes up on searches for your band name on major search engines (which means that your site has to have been up for long enough to get picked up by the major engines.) Also, your music should be available for sale on the Internet so that people who like your music can support you if they like. See the "Selling Your Music" section for ideas on how to do this.

We have one final note that we also mention in the File Sharing section. The file-sharing networks allow you to have very limited words to come up when your music is picked up. These are generally limited to band name and song name. If the names of your songs are outrageous, funny, or, best of all, extremely similar to other popular songs, your songs have the best chance of being downloaded. Just think about that as you title your songs.

Satellite Radio

Satellite radio is a relatively new music broadcast mechanism that is getting more and more listeners and shows. Since it is new, it is still not closed to indies like most of the established mechanisms. It works similarly to satellite TV, but for radio. It's most available in cars and in certain personal devices.

We are still researching ways to get played on Satellite Radio where we are told that there are indie friendly shows and stations. As we learn more about this topic, we will update this section. As we mention throughout The Survival Guide, we'd love to have suggestions or comments on this so that we can share options with other indie bands.

DJs

If you have techno, hip hop, industrial, or other dance-friendly music, DJs are sometimes happy to play music from indie bands. If you are in any of those scenes, you probably have a better idea than we do about how to get in touch with them! We suggest trying discussion boards that DJ's use to get in touch with them.

File Sharing: An Independent Band's Perspective

> "There has grown up in the minds of certain groups in this country the notion that because a man or corporation has made a profit out of the public for a number of years, the government and the courts are charged with the duty of guaranteeing such profit in the future, even in the face of changing circumstances and contrary to public interest. This strange doctrine is not supported by statute or common law. Neither individuals nor corporations have any right to come into court and ask that the clock of history be stopped, or turned back."
>
> -Robert Heinlein: "Lifeline" written in 1939

There is hardly a more discussed topic for the music industry in recent years than file sharing. Napster started the debate by providing an extremely popular service that revolutionized the process of distributing music files. But even after Napster was shut down, other services have carried the torch. The Recording Industry Association of America (RIAA) and the major labels claim that file sharing will destroy all life on earth. File sharers, on the other hand, are enthusiastic about being able to get most any sound recording within a few minutes. But what does it mean to an indie band?

We think that file sharing is the best thing to happen to indie bands since the invention of the Portastudio. Many people think the fact that music can be "stolen" and "traded for free" on the Internet is a bad development, but the benefits far outweigh the problems. The short reason for this is that it's a distribution method that can get your music in the hands of millions of people, and the major labels and distributors have no control over it. (It's an unfortunate fact that indies are locked out of every area that the major labels do control.)

Here's what we're going to cover in this section:

- **Reframing the debate**. The debate about file sharing is limited. We take a broader view.
- **An in-depth analysis of what file sharing is, and the underlying reasons why it works**. A lot of sites that talk about file sharing skip this part, but without this, it's impossible to truly understand.
- **Why file sharing is here to stay**. The RIAA and major labels cannot stop it, no matter what they try. No technology will ever completely stop people from ripping tracks, nor will anything stop people from being able to share files. File sharing has changed the economics of the music industry forever.
- **An explanation of why file sharing is good for indie bands**. File sharing works by tapping into what people normally like to do, which is to share music that they enjoy. Using file sharing, you can get your music in the hands of potentially millions of people, and, for distribution, you are on the exact same playing field as the major labels.
- **An argument of why you should share your own music on file sharing networks**. While you won't make money directly off of sharing, it's worth it for the exposure. Some bands spend money to press demo albums to hand them, for free, to people in the street. But file sharing is far easier, cheaper, more targeted, and can get your music in the hands of many more people.
- **"Pirating" your own music**. A short guide on the best way to share your music.

Reframing the Debate

Peer to peer file sharing of music recordings has brought a crisis to the music industry as it stands today. As we will prove in the File Sharing section of The Survival Guide, file sharing is inevitable, and has signaled the death of the CD. But the problem with the discussion about file sharing is that major labels and editorial writers are calling it literally the end of music itself.

The current debate intentionally ignores the single most basic fact about file sharing: File sharing only directly effects recorded music. While this is an obvious statement, very few, if any, of the pundits, seem to want to have a full discussion about the effects of file sharing on a musician's income by looking at the whole picture. This is partly because it's complicated to do this, and doesn't make a nice neat editorial. But the other reason is very simple: The major labels make most of their money off of recorded music, so they have shined their spotlight on this single aspect of a musician's income. Since the labels are themselves media organizations, some of them part of news organizations, it's not surprising that the discussion has been simplified. For the current players, losing income based on recorded music *is* the end of music itself.

Note that even major musicians don't make any money off of recorded music. The major labels are the ones that have the real stake in this. Consider this snippet of an interview with David Byrne:

> ***XJ:*** "How do you feel about the fact that some of your fans are downloading your music for free?"
>
> ***David Byrne****:* "It's a mixed bag. Sure, I would love to have compensation for that. But the argument of record companies standing up for artists rights is such a load of hooey. Most artists see nothing from record sales -- it's not an evil conspiracy, it's just the way the accounting works. That's the way major record labels are set up, from a purely pragmatic point of view. So as far as the artist goes -- who cares? I don't see much money from record sales anyway, so I don't really care how people are getting it."
>
> -Boing Boing, **David Byrne launches internet radio station.**

If an artist like David Byrne can't make money off of recorded music, independent bands certainly aren't doing it either. And the file sharing that occurs usually doesn't take away from the most common forms of income from CDs, namely the albums sold at concerts. We will discuss this later, after introducing file sharing's economic effects, but we need to pan the camera back, and turn on the house lights so that we can see the rest of the stage regarding a musician's income.

On peer to peer networks, users download music *recordings*, but not any other aspect of music that can make money for a musician. For example, there is no way, over the Internet, to steal a live concert. Even if someone records it illicitly and sends it over the Internet, the musician still gets paid for the live show. It's also impossible, using the Internet, to steal the copyright to music. If a filmmaker uses a song that you write, for example, they'd have to pay you or else they'd be infringing. (While it's always possible to use music without permission, the internet has nothing to do with this particular misuse of music.) If a band covers your song, or a radio station plays your recording, you're still owed money by the performance society with which you registered your songs. (If you're not sure what we mean by this—and we didn't know this either until we researched it—check out the copyright section where we explain it for you, and **tell you how to register** with a society if you'd like to.) You also make any money off of merchandise that you sell. While merchandise can be counterfeited, the Internet doesn't make that much easier or more likely, and file sharing doesn't affect it directly at all. Therefore, the distribution of recorded music is just part of the larger picture.

In fact, sharing your recordings enhances your ability to make money on all of these other areas by getting your music to new fans, driving demand for your live shows, and hopefully giving filmmakers and other bands the idea to play your music. Thus, to do an honest accounting of the effects of file sharing, the full economic balance of lost album sales compared to increased demand for these other areas should be considered. For example, Beatnik Turtle licensed a song to ABC Family, part of The Walt Disney Company, for an advertising campaign. After they contacted us out of the blue and negotiated a licensing deal, we pressed them to find out how they heard about the song, but the only thing that we were able to get out of them was "It was on someone's iPod." While we don't know for sure if it was file shared, or legitimately obtained, we certainly don't mind if it was downloaded.

As we explain in The Survival Guide, commercial radio is pay for play, and is too expensive for most indie bands. And the major labels are unfair to musicians. Most importantly, indies have never had access to decent distribution directly to consumers until digital distribution became available. Therefore, file sharing opens up new opportunities for indies without detracting from their current income. At this point, the controversy about file sharing has not settled yet, but there is one certainty about this debate: Unless the discussion brings in all of the aspects of this issue so that the whole picture can be considered, the ones who have a stake in a single part of this picture, the ones who sell and control most of recorded music, will drive the debate.

Some of the more dramatic editorials state that musicians can't make money off of music anymore, and that there is less incentive for musicians to write new music. They claim this is hurting art and culture. It's hard to see that as anything but a lack of imagination. That kind of statement pins down music to the way that it was in the past and shows a lack of imagination about business and making money off of these endeavors. But the most surprising thing about these claims is that it argues the exact opposite of what file sharing has done. In the past, music was constrained to physical objects like records or CD's. Now that the music has been freed from their physical objects that contained it, music is being shared—literally shared—between fans on a worldwide network. It has done away with middlemen such as independent promoters and distributors who were between the musicians and their fans, and who were largely indifferent to independent bands.

The removal of these constraints is supposed to be bad for music? And it will mean that less musicians will be inclined to write new songs? File sharing hasn't diminished music, it has freed it. The only question is how to harness it to unleash your art to the world.

File Sharing for Smarties: Why File Sharing Works

Most of the articles, treatises, and rants about file sharing don't explain why file sharing has worked so successfully for music. The sections below explain the essential parts of music file sharing, and why it works.

- Computers, the Internet and File Sharing
- Digital Sound Encoding and Compression
- The Vending Machine Problem and Other Human Factors
- Categories of File Sharing Content and Their Economic Effects

Computers, the Internet, and File Sharing

The Internet is a worldwide network that can be accessed cheaply by millions of people using relatively inexpensive computers. The technologies of the Internet, computers, and file sharing programs enable file sharing because of the following factors:

1. **No "special" equipment is needed to access the Internet besides a standard computer.** Imagine a specialized box like your cable box: You can't do much with your cable box besides getting a TV signal and changing channels even though it's on an information network. Computers are infinitely flexible devices that can be asked to do specialized tasks like file sharing. Loading software to make your computer do specialized tasks is easy. Compare this to trying to get your cable box to do anything but change channels and activate pay-per-view.
2. **The current consumer-grade Internet access economic model does not have "metered" charges for bandwidth.** It's unlikely that people would be willing to "share" files if it cost money each time strangers downloaded a file. Since the Internet access model is not metered, like power or gas is, no one considers it an issue to share their entire music collection for the world to hear.
3. **The Internet infrastructure is a "stupid network."** The Internet will blindly send any data you want where you ask, efficiently and without central control. The original network models were all smart networks (think of the telephone network.) Thus, the companies that created it had a lot of control over who could use it, what kind of data went over it, and how it was used. If the phone companies or the Internet providers had that kind of control over the Internet, the RIAA would have forced them all to shut down file sharing long ago. (Information on stupid networks is in a seminal article about the internet **here**.)
4. **Peer to Peer sharing no longer needs a central server to work.** Peer to peer sharing is now just a network of computers that can locate and copy files to and from each other. These networks are so distributed that shutting them down would mean shutting off tens of thousands, or even millions of different computers. Centralized services like the original Napster could be shut off at the source. Even better, these services will now chop these file into parts so that a single computer can get a single file from multiple sources, which makes for a very speedy download process, even if each particular source has limited bandwidth.
5. **A computer makes perfect copies of data.** Imagine if there were a way to instantaneously distribute copies of cassettes around the world in the same manner as MP3 files. If this was how file sharing worked, the later-generation copies of the original sound recordings would become so poor that the system would fall apart. The ability to make perfect copies allows file trading to succeed. The fact that they are copies is important too, because when an individual shares music via file sharing, they don't lose access to their music, which is what would happen if they lent out physical CDs.
6. **Peer to Peer services default to "opt-in".** These services, once they're installed, default to an "opt-in" setting, and most people probably don't know how, or don't bother to turn it off. Thus, people end up sharing all of the files they have, getting access to a world full of music, but also sharing their own.

Digital Sound Encoding and Compression

Digital encoding and sound compression are two important parts of file sharing. Without the ability to turn the music file into data and to compress the data, file sharing could not have even begun.

Digital sound encoding: Encoding music turns the sound data that represents music into a stream of digital data, which makes it possible to be transferred over a network and to be

infinitely copied. This digital sound encoding is so integral to file sharing systems that the ability is almost invisible. But this capability to divorce the data that represents music from physical media (such as CDs) is the largest change from the past. It's this concept that the music industry and the courts have had the hardest time dealing with, since the physical media that the music is on is no longer important. We care about the content now.. Without encoding, the best option we had in the past was to make physical copies of our music using a cassette or CD. Transferring our music meant handing it to someone, a very inefficient way to transfer the data.

Sound compression: Compression is the other technology that makes music viable for file trading. Compression seems simple, since we now encode and compress CDs with a few clicks of a mouse. But compression has more components than it at first seems:

1. **Sound compression makes files small enough to easily transfer them on the Internet.** With compression, the 50-100 MB raw sound files that are on a CD can be compressed into an average of a 3 to 6 megabyte file. These are easily sent in minutes over the Internet with the current "broadband" connections.
2. **The most popular sound compression formats are all lossy formats.** "Lossy" is a technical term that means that some of data is lost when a file is compressed. For music, this means that some of the frequencies are approximated. While some of the sound quality is lost, most people consider the result to be "good enough" such that it's not even discussed anymore as a disadvantage. The convenience of the smaller files has far outweighed the loss in sound quality in people's minds, although most musicians can tell the difference between a compressed file and a real CD track.
3. **The MP3 format has become the recent de-facto standard for sound compression.** Most major sound programs and audio devices read the MP3 format. Without the availability of MP3 players, file sharing could not have taken off.

One note of interest regarding the MP3 format is that it is patented and owned by Fraunhaufer IIS, a German concern. While they don't charge listeners for using the format, they do charge the manufacturers of every software-based and hardware-based MP3 player. Also, MP3 is not the only form of sound compression. There are many competing formats, owned by companies such as Apple (AAC), Microsoft (WMA), Real (RAM), as well as many others too numerous to mention.

Finally, one compression standard that has attracted great interest lately is called Ogg Vorbis, which is a free and open standard. Sound critics have reviewed Ogg Vorbis as superior to MP3, and on par or better than WMA, MP4, and AAC. Its also compresses data better than the MP3 format, resulting in smaller files. In the future, if Fraunhaufer, Apple, Microsoft, and other proprietary companies get too greedy with their royalties, you may see the new OGG format come into prominence. You can listen to this format with most major software players, and some hardware players are beginning to read it as well. Ogg Vorbis is already being used in many commercial devices such as elevators, telephones, and others that need to play compressed sounds, since it doesn't cost anything to create a player that will play this open and free format. (See **http://www.vorbis.com** for more info.)

The Vending Machine Problem and Other Human Factors

It's hard to argue that getting music off the Internet that you haven't paid for is anything but illegal, but the major labels want you to believe that it's the same as walking out of a record store with swiped CD's hidden in your coat. Although both are crimes, it's just not the same thing. Most importantly, it's not the same thing in the mind of an average person.

The human issue comes down to what we call the vending machine problem: If an average person came across a vending machine that was broken, which would give free candy for any button pushed, they would probably take a candy bar. And there are a significant percentage of people that would take lots of candy bars. If you were in the business of selling candy, you would see this as people stealing your inventory. Most of those people would say that if you didn't want them to steal your candy, you should make sure that your machine was working right. Of course, the real reason people would take the candy is because they know that they are not face to face with the ones that they are stealing from (as they would be in a store, stealing an item from a shelf), and they probably guess that they can't get caught. The key is that they are not face-to-face with the ones from whom they are stealing. How many people would rip your band's CD and copy it without paying if you were there, with them, in the room?

The Internet is not completely anonymous, as the RIAA lawsuits show, but it's close enough to anonymous that it has the illusion of it. So the vending machine problem applies. But there's another factor that makes it even easier for people to consider this activity. If they steal an album out of a music store, that store has one less physical CD to sell. But if they "steal" a copy of a song from the internet, no one has less music than they had before. A person who is file sharing does let someone use a little bandwidth, but there's no other effect on them. Hence, most people don't mind sharing their music. While most record companies call this a direct lost sale in their statistics about file sharing, the economic loss is not that certain, nor straightforward. A detailed discussion of this topic will be handled in the economic effects section.

There's one aspect to morality of file sharing that isn't often discussed. While it is unfair to the owners of the recordings for people to download music without paying for it, file sharing seems to have a self-contained ethic all its own. This can be boiled down to: "I don't mind sharing what I have in order to get what other people have managed to collect." It's got a certain ring of fairness to it regarding a quid pro quo between peer to peer users, and from that standpoint, right or wrong, people feel that they are entitled to do this.

The vending machine issue, along with the fact that copying music is very unlike stealing in the traditional sense, is why most people feel little risk from file sharing. But there are also human factors at work that contribute to the *desire* for file sharing. Here are two important ones:

1. Out of the bulk of recorded music, which is over a century of material, only a small percentage of it is available for purchase because most is out of print. It's not cost-effective for the music labels to print a short run of an obscure album. But many people still want these works, and in many cases file sharing is the only way to get them.
2. The idea of a "jukebox in the sky" with most all recorded music available within a few mouse clicks is an extremely powerful one. It sounds like a science fiction story, but this technology exists today, and it's accessible to everyone with a computer and an Internet connection. People will not cease using this technology to wait for the music industry to create a crippled, expensive version of this capability that will likely have an incomplete music library.

In general, the risk is very low for individuals who share files, even with the RIAA's lawsuits as a disincentive. More importantly, the benefits of file sharing are quite high. The kindergarten ideal of "sharing" is almost idealized in file sharing, considering that you can share you music with anyone at all without depriving yourself of your own copy. With access to almost all of the world's music on these services, the reasons these services have been so successful are easy to understand.

The Categories of File Sharing Content and Their Economic Effects

There is more than one type of file sharing, and looking at these types gives a better understanding of what goes on during file sharing. It also gives a clue to its economic effect. The real picture is more complex than the simplistic "stealing music" refrain that the RIAA keeps promulgating. In fact, there are many types of file sharing that are positive as well as negative.

The best explanation of the different types of shared content that is by Lawrence Lessig in his book **Free Culture: How Big Media Uses Technology And The Law To Lock Down Culture And Control Creativity**. We highly recommend reading this book, which is available in bookstores, but also for free off of Lawrence Lessig's website. This book has one of the clearest perspectives on the concept of "piracy," as well as the intersection of creativity, copyright, and culture.

The categories listed below, which are quoted from Lessig's book, are the best explanation of the different kinds of file sharers. These categories provide a clear insight into why people want to file share in the first place, and the different types of sharing that they do. We've talked about the technical capabilities that allow sharing in other sections; this section talks about what kinds of data are shared on this technical framework.

Lessig's categories are so well thought out that we're going to share his definitions here:

> "File sharers distribute different kinds of content. We can divide these into four types.
>
> A. There are some who use sharing networks as substitutes for purchasing content. Thus, when a new Madonna CD is released, rather than buying the CD, these users simply take it. We might quibble about whether everyone who takes it would actually have bought it if sharing didn't make it available for free. Most probably wouldn't have, but clearly there are some who would. The latter are the target of category A: users who download instead of purchasing.
>
> B. There are some who use sharing networks to sample music before purchasing it. Thus, a friend sends another friend an MP3 of an artist he's not heard of. The other friend then buys CDs by that artist. This is a kind of targeted advertising, quite likely to succeed. If the friend recommending the album gains nothing from a bad recommendation, then one could expect that the recommendations will actually be quite good. The net effect of this sharing could increase the quantity of music purchased.
>
> C. There are many who use sharing networks to get access to copyrighted content that is no longer sold or that they would not have purchased because the transaction costs off the Net are too high. This use of sharing networks is among the most rewarding for many. Songs that were part of your childhood but have long vanished from the marketplace magically appear again on the network. (One friend told me that when she discovered Napster, she spent a solid weekend "recalling" old songs. She was astonished at the range and mix of content that was available.)
>
> For content not sold, this is still technically a violation of copyright, though because the copyright owner is not selling the content anymore, the economic harm is zero—the same harm that occurs when I sell my collection of 1960s 45-rpm records to a local collector.
>
> D. Finally, there are many who use sharing networks to get access to content that is not copyrighted or that the copyright owner wants to give away.
>
> How do these different types of sharing balance out?
>
> Let's start with some simple but important points. From the perspective of the law, only type D sharing is clearly legal. From the perspective of economics, only type A sharing is

> clearly harmful. Type B sharing is illegal but plainly beneficial. Type C sharing is illegal, yet good for society (since more exposure to music is good) and harmless to the artist (since the work is not otherwise available). So how sharing matters on balance is a hard question to answer—and certainly much more difficult than the current rhetoric around the issue suggests."
>
> **Free culture : how big media uses technology and the law to lock down culture and control creativity** / Lawrence Lessig. 2004

The economic effects of these categories of file sharing is a tangled, difficult topic, but one that needs to be discussed here. The music industry, of course, focuses on the subset of category A sharers that would have bought an album, but download the music instead. We do not wish to compare the numerous, inevitably controversial studies that debate whether the net economic effect of file sharing is positive or negative, but we do want to give a more complete picture of the various effects that these types of file sharing has on sales. Again, we want to emphasize that the issues are not as straightforward as they may appear.

To put this into more of a perspective: type B and type C sharing are helpful to the copyright holders yet often aren't discussed. Type B sharing helps by exposing people to music before they buy it, which might increase sales. Type C sharing doesn't take away any revenue, and helps the copyright holder in that it renews interest in artists that might have gone out of print. It might create new sales opportunities if there is a resurgence of interest in an out-of-print artist. With digital distribution, it may be possible to generate new sales of an old album that is rediscovered without even having to go through a reprint of the physical album.

But one other thing that is rarely discussed is that type A sharing is also helpful to copyright holders, even if a particular person doesn't buy an album at all. The reason for this is that a band in today's world is actually a *brand*. Take Britney Spears, for example. Imagine a 13-year-old girl happily playing her downloaded MP3s on her computer and MP3 player. She hasn't spent a cent on the music, but look around her room, and you might see a Britney poster, Britney T-shirts, and Britney fashion dolls, and possibly tickets to a Britney concert. In general, it is a too-narrow view to define file sharing's economic effect as being solely about the recorded music.

As a final note, we suggest that indie bands take advantage of the type D sharing, and make their own works available on these file sharing networks. We explain why later in this section. But part of the justification is the concept of a band as a *brand* which indies can leverage. Your show draws, merchandise sales, and even CD sales may be helped by file sharing your own music.

File Sharing Can't Be Stopped

When the major labels first discovered what file sharing really meant to their business, they panicked. They had no control over this new arena and they saw their music being traded for free all over the Internet. Their first reaction was to release articles and press to convince people that they were taking money from starving artists. Disney even **created a cartoon episode** trying to show kids that file sharing was wrong. Finally the RIAA just began suing random file traders, in the hopes that it would make people stop sharing music, or at least slow the tide. None of these ideas have worked nor will they ever work. Few people will give up the benefits of file sharing.

Although the law says that a person should pay for every song that they get, the copyright laws that govern ownership of music became unenforceable once music left the physical medium and turned into digital bits of ones and zeros. You don't need a special law to say that people can't steal a physical CD because the laws against stealing any item cover it. But when you turn the music into a file then copy that file to give to someone else, the law becomes murkier. This is why there have been special laws created lately to make these activities specifically illegal.

But even if it's illegal, there is no longer a central "water main" that can be shut off to stem this flow of music. With Napster, the record industry was able to sue the company that had all of the centralized servers that matched people up to trade files. Although they shut Napster down, the latest file sharing programs no longer have any central servers. Instead, they are a distributed network. The US courts have a churn of lawsuits on this topic, where the software writers themselves are being sued. But even if it becomes illegal to create such programs in the US, anyone in the world can create these programs. That means that, legally, all the RIAA can really do is to sue each individual file trader. In the end, legislators can pass as many laws as they want. There are just too many people all on these networks. Furthermore, file traders are all over the world, something that no local law in any country handles well. Since a successful national campaign has failed so far, a successful worldwide campaign seems to be impossible.

Not only is the law completely impotent to stop file sharing, no technological barrier to file sharing can succeed. There are two aphorisms about the Internet that have proven to be true, again and again. They are: "The Internet considers censorship as damage, and routes around it." And "Information wants to be free". We're not going to leave these as aphorisms. We're going to prove them in the following paragraphs.

The major labels would like the technology of the Internet itself to stop file trading, but the Internet is a "stupid network" without central control. The internet was created to do one simple thing: route data. It doesn't care about what the data is, where it's coming from, or where it's heading. This is a very important core of the Internet, and it's not talked about often enough as being its largest benefit. The same internet that lets you buy a book also lets you share music, or video. It allows you to make a telephone call, or send an email. The intelligence of the network is in the computers at each end of a connection, and even the ones running the core of the network has little control over what data goes over the connections.

Although it may seem to be bold to claim that no technological barrier can succeed against file sharing, cryptographer and security expert Bruce Schneier noted the following points in his bestselling computer security book **Secrets and Lies**: First, that most every computer security technique in the past has been broken by determined and smart people. Second, if one smart person breaks a computer security technique, and shares what they've found, everyone on the Internet can then break it as well:

> "The Internet is also a perfect medium for propagating successful attack tools. Only the first attacker has to be skilled; everyone else can use his software. After the initial attacker posts it to an archive--conveniently located in some backward country--anyone can download and use it. And once the tool is released, it can be impossible to control."
>
> **Secrets and Lies**, Bruce Schneier. P. 22

That means that to break any of these techniques, only one smart person needs to break it, and tell others how he or she succeeded. There are so many people in the world that enjoy breaking these techniques that it's highly unlikely that any security technique will survive for long. After enough failures, the music industry is going to realize that paying for these techniques to lock up their released CDs is a waste of money.

And there have already been a lot of failures. One technique that stopped the digital encoding of music (or ripping) was foiled using a **permanent marker** or **electrical tape** to cover over one ring on a CD. Another was foiled by simply **pressing the shift key** while loading the CD (on Windows PCs). Developing these schemes is an expensive process, according to the recording industry. With each failure they are starting to realize that this is a dead end.

There's another technique that they have tried to use called "watermarking" which threads some information through the CD so that the copyright owners can identify who copied the music to

the network, and to indicate who owns the music. Professor Edward Felten, who is an expert on computer security and digital signal processing, did a study with a group of other researchers on these techniques. Their conclusion is that each one could be subverted. Since only one person needs to be able to crack these techniques for everyone to take advantage of it, watermarking can always be defeated. This research appeared in the year 2000, and it hasn't been talked about much since then, probably because of Professor Felten's conclusions. His technical paper ends with this key paragraph:

> "Do we believe we can defeat any audio protection scheme? Certainly, the technical details of any scheme will become known publicly through reverse engineering. Using the techniques we have presented here, we believe no public watermark-based scheme intended to thwart copying will succeed. Other techniques may or may not be strong against attacks. For example, the encryption used to protect consumer DVDs was easily defeated. Ultimately, if it is possible for a consumer to hear or see protected content, then it will be technically possible for the consumer to copy that content."
>
> **Reading Between the Lines: Lessons from the SDMI Challenge**, Scott A. Craver, John R McGregor, Min Wu, Bede Liu,Adam Stubblefield, Ben Swartzlander, Dan S. Wallach,Drew Dean, and Edward W. Felten

While any of the technologies that the major labels have implemented may make it a bit harder to perform file sharing, none of them are impossible hurdles. Because so many people work to circumvent these barriers and because it only takes one person in the entire world to be successful at breaking it, the music industry's attempts at stopping file sharing will not succeed.

Digital Rights Management (DRM)

In the past, the distribution of music was based on moving physical objects around. This limited the scope of how far music could go from an individual that would buy a copy of an album from a store. A person could make imperfect copies of their albums by cassette tape, and could to a limited extent share it with people by making another tape for people, but there was no way for this to get too far, because of the limitations of handling tape.

As we discussed earlier in the File Sharing section, once music moved from physical objects to bits and bytes, it allowed the music to be perfectly duplicated, and shared throughout the world without losing anything for the sharer. The largest music industry players have tried to curtail this by using new technology of their own. We discuss this to a limited extent in the File Sharing Can't Be Stopped section of The Survival Guide, but the term DRM has become so important as a topic that it needs to be discussed separately here. While it has something to do with File Sharing, it also has other aspects that deal with copyright, fair use, and the future of how people will obtain, and enjoy music. It's a broad topic that we can only introduce here.

Digital Rights Management, or DRM, is a content creator's way to try to limit how you use the content that you obtain from them. It's possible to create computer programs that constrain your use of a sound recording so that it's only played just once, or some fixed number of times. You can use DRM to revoke the right of the user to listen to something they have on their computer if they do something you don't like, like cancel paying for your service, or you can use it to let them make only a limited number of copies.

Although DRM is a very poorly considered concept, the reason behind it is understandable, especially to musicians. Once you sell someone a CD, they can basically just put it on the internet, and share it to the world. Why should anyone buy music if you can just get it for free? The digital world has created a place where information can be shared without constraints, and music has become information. You would like to regain control over what you're selling

someone, and basically have them just be able to listen to the music, rather than give it away. What most non-musicians don't seem to understand is that just because music is easy to copy and share does not mean that it's easy to write and record. Some large music companies and musicians see this as a way of regaining balance.

Balance is not always on their mind, however. Based on what some of the DRM schemes do, it would seem that the large content creators want to go far past this, and put even more limitations on it. Imagine if DRM software could create a foolproof way of making you pay for each time you listened to a song on your iPod or computer. Pay per listen would become the norm, and the money would be beyond their wildest dreams.

Unfortunately, DRM is useless for just about every goal that they have set out for it. It's incomplete, is easily broken, and is often poorly written software on top of all of that. It most strongly effects the customers that pay for the music, rather than the ones that are setting out to pirate it. Few businesses do well when they make it difficult for their customers to use their products, and these companies seem to be finding this out due to lost sales, lawsuits, and bad press.

The key reason why DRM is such a poor idea has to do with a concept that we discuss in our File Sharing Can't Be Stopped article. As Bruce Schneier has said in his book "Secrets and Lies" only one person needs to be smart enough to break a protection scheme and share it with the world. It can then be turned into a tiny program that can unlock any protections that exist, and that can be run by average people. His second point is that no protection scheme can last, with so many smart people all over the world trying to break them.

Generally, you can write a software program that can limit people in any way that you wish. But it's also always possible to write software or use techniques to break those limitations.

For example, consider the two types of Sony DRM software that was covered in the news, and has raised the profile of DRM in the public awareness. The flaws inherent with the protection itself make it seem especially foolish. We're not even discussing the exceptionally poor idea of including a rootkit with the DRM software, or the other issues with the SunComm software, which loaded even if a user said "No" to the agreement. Remember, only one person needs to break these in order for the music to be file shared to the rest of the world:

- The DRM protection only works on Windows computers, and is useless on Linux, Macintosh, and other operating systems.
- On Windows computers, turning off the autorun feature, or just holding down the shift key when the CD is loaded will avoid the DRM management.
- For at least one of the schemes that Sony used, if not both, marking out a particular area of the disk with some tape or a marker will disable the scheme.

These are trivial ways to break the scheme, and once the DRM is broken, the files can be encoded and shared freely to the world. In fact, if there's even just one copy of the songs out there, everyone can eventually get a copy of it through the system that already exists on the internet.

The other goal of the Sony DRM was to limit the number of copies that could be made of the music, and to specify which formats were used on computers. This was especially surprising because the format that they specified didn't work on the iPod, the most popular type of music player in the world. If you give a consumer a choice of a crippled version of the music that they want for money, or an unencumbered version that you need to download from a file sharing program, you are actually forcing people towards the illegal choice. Years of watching the black

markets flourish in communist countries should have taught a lesson regarding putting artificial limitations on choices that people have, when there's ways to get alternatives.

DRM doesn't just affect large companies that make poor choices for itself, it can affect indie bands too. While Beatnik Turtle dislikes DRM, we also make our music broadly available on as many digital services as possible. Many of those services have limitations via DRM software. Still, some people wish to buy from these services, and we do not wish to make our music unavailable to them. Note that from our website, we promote DRM-free versions of our albums.

One person bought our music from Napster, and then later had a problem with their DRM as he tried to transfer our album to another computer. He ended up angrily canceling his service, which revoked his rights to listen to our music. We ran into his blog entry about the problem, and sent him a digital copy of the music ourselves, because the last thing that we want is to make it harder for someone to listen to our band!

In spite of the negative publicity and problems with DRM, it will probably continue to be developed, as the large media companies with their narrow revenue streams try to protect their investments.

We think that indies should make it as easy as possible for fans to listen to their music any way that they want to, and avoid DRM. If those fans share it with their friends, or with the world, it's free publicity for us. Unlike the major companies, we don't consider that a lost sale. That's what we call a new fan.

Why File Sharing is Good for Indie Bands: 6 Degrees of Distribution

The following paragraph is from a speech by Professor Eben Moglen. It is so important that we need to quote it in its entirety. Professor Moglen has put his finger on the reasons why file sharing is such a powerful concept for the music industry:

> "The famous experiments of Stanley Milgram, now somewhat blown upon, which gave us the amusing sociological result known as "Six Degrees of Separation" was a demonstration of the inherent speed of social distribution in the network. Let us concede six to be a number predicated on only networks of privileged people with a certain degree of wealth, and so on. As recent research has tended to show, it is still true that the social distribution network is much deeper and much richer than anybody previously understood in human history, and that it is inherently superior to systems of distribution networking constructed by the exclusion of most distributors. The result, as everyone in this room is aware, is that twelve-year-olds do a better job of distributing music than the music companies. The music company continues to take ninety-four percent of the gross for promoting and distributing music, and the twelve-year-olds who take zero off the top do a better job. When bandwidth constraints are removed, the same happens to video; without removal of bandwidth constraints the same happens to publishable text, to poetry, to all forms of useful knowledge and information. The model is: "Here; I think you need this: take it." The result is, let us say, that when music under the present system leaves the production studio and passes through six hands, it isn't in the store yet. Whereas, in Stanley Milgram's United States, after six jumps, everybody who wants the music has it. The systems for the proprietary distribution of culture--the systems in which the right to distribute is bought and sold--are the Trabant factories of the twenty-first century. They are hopelessly inefficient, they are the outcome of a social philosophy that is utterly defunct, they fail to respond to the existing presence of a robust and superior competitor: they are through."

Freeing the Mind: Free Software and the death of proprietary culture, Eben Moglen

The best part about these ideas is, as an independent band, you have the ***exact*** same distribution model that any of the major labels have (even through they'd rather not have it!) There are few other areas where this is the case, and it's something to harness. In fact, as we explain in other sections of The Survival Guide, getting played on the radio and gigging at large venues are all largely closed out for independent bands.

Using services like CDBaby.com's digital distribution, you can distribute your indie music on the same digital music sites as the major labels, such as such as iTunes, Rhapsody, BuyMusic, Emusic, the new Napster, AOL's MusicNet, MusicMatch, and others. Unlike the past, there is effectively infinite shelf space for music. And the digital services have been open to letting indies "share" that infinite shelf with the major labels. Based on how the majors have reacted to competition in the past, it could have come out quite differently!

Why Indies Should File Share Their Own Music

> "Free exposure is practically a thing of the past for entertainers. Getting your record played at radio costs more money than most of us dream of ever earning. Free downloading gives a chance to every do-it-yourselfer out there. Every act that can't get signed to a major, for whatever reason, can reach literally millions of new listeners, enticing them to buy the CD and come to the concerts. Where else can a new act, or one that doesn't have a label deal, get that kind of exposure?"
>
> **THE INTERNET DEBACLE - AN ALTERNATIVE VIEW**, Janis Ian

If you are doing music for the "art" and just want to share your music with the world, why aren't you sharing your music already? Just skip ahead to the guide to "pirating" your own music.

For those that wish to make money off of their music, it may seem counter-intuitive to put your music up on file sharing services. How can you make money off your music if you are giving it away?

The simple answer is that it can expose your music to millions of potential listeners, which can translate into people coming to shows, CD sales, and merchandise sales. Don't forget that you lose control of what happens to your music moments after you proudly sell your first CD. Your music will be on file sharing services whether you like it or not. The MP3 files of your music act as the ambassador of your band to millions of people. Sharing your files is too important to let a random fan do it for you. You want to make sure that your band name is spelled right, and that the MP3 is of a decent quality. You also have the opportunity to fill in the MP3 tags with information such as your band's website, so the people who don't know about your band will know where to go to find out about you.

But this doesn't answer the question of why you should file-share if you want to make money off of your music. This requires us to look at what making money off of your music really means. There are four ***major*** ways[1] that an indie band makes money off of their music:

1. Selling recorded music on a CD, or through digital distribution (i.e. iTunes and similar services.)

2. Playing live shows.

3. Selling merchandise, like T-shirts, plush toys, key chains, stickers, lube, or anything else that can be branded with a band's logo.

4. Selling the rights to use your songs in a creative work. For example, a producer pays you to use your music in a film, commercial, or video game.

File sharing helps all of these sources of income by increasing awareness of your band name, and getting your music in the hands of people who have never heard of you. It raises the chances to make new fans, sell more merchandise, and to connect with that movie producer who is looking for the perfect song. It may even convince someone who's never heard of you to buy your album, since many file sharers use the networks to listen to new music before they buy it. Think about it from the point of view of a new band in 1985: If you told them that they could get their music heard by potentially millions of new listeners, you could probably get them to ***pay*** for the privilege to do it. We have this available to us as free promotion today by putting our own music up on file sharing networks.

You should also analyze this based on where you make most of your money in these four main areas. If you are like us, your biggest revenue generator is probably the money made from live shows, and second to that, it's the CD sales that happen at those live shows. File sharing will only help you draw more at your shows by introducing more people to your band. Also, it's unlikely that the file-shared versions of the songs will make a difference in the decision to buy an album right after you've rocked out on stage.

File sharing also has hidden benefits. The fact that people will read your band name, even if they don't download, enhances your name recognition, which is something that large companies pay tens of millions of dollars for in ad campaigns. It can take quite some time to gain notice, and being constantly in view of people can help you succeed. In other words, your band name is now a brand, and having your name on these networks, where they might come up in random searches, is free advertising.

File sharing is an overwhelming opportunity for indie bands, with little downside. If you decide to share your own music, we recommend that you read our guide to "pirating" your own music.

(1)We are consciously excluding anything that you could make off of the performance right of your music, such as from BMI, ASCAP, and SESAC. Indies have never generated significant money from these organizations, mostly because indies are shut out of commercial radio.

"Pirating" Yourself: A Short Guide to Sharing Your Own Music

This section assumes that you have an album or songs completed, and that you are comfortable giving them away on a file sharing network in order to get heard. You also need a computer, and a good Internet connection.

If you are a new band, it's best to wait until you have a website, and are selling your album online through a site such as cdbaby.com before you share your music. This way, people can buy your physical album and learn about your band if they run across your music on file trading networks. Of course, if all you want to do is share your music with the world, have at it! You're all ready to go.

You should encode all of your music in MP3 format at a moderate data rate, and then make sure that all of the MP3 tags and file information is complete. Include band name, song name, and if you can get it into the file tags, your website. The file name itself should have the band name,

album name if applicable, and song title. Don't put your website or other junk into the file name. If it's obvious that it's an advertisement of some sort, sharers will avoid your files.

The next step is to see if you can get an older computer. You won't need a powerful one, but you'll need to leave it up and running in order to let people get your music. Don't try to do this with dial up. You should have a broadband connection. Because you may end up installing file sharing utilities that have spyware on it, it's best to keep this separate from your main computer.

Next, if you're technically savvy, install **MLdonkey**, which is a file sharing program that doesn't have spyware and will get you on most all of the major networks in one shot. Otherwise, get on as many of the file sharing networks as possible using the p2p programs with which you're comfortable. Make sure that they share to the same directories so that you can put your songs in one place to be picked up by all of them. You should also configure them to allow a higher upload rate than their default, so that people can get your music quickly. You do not want them to cancel the download because it's too slow, especially because you are probably going to be one of very few sources for the download.

To use file sharing to your advantage, think hard about how people use these services. They usually want a particular song, or album, and they find it by searching on a phrase or set of words to get their song. You want to come up on those searches. The way to use these things is to title your songs similar to other popular songs so that you'll come up. For example, we have a song called "Santa Doesn't Like You". That should come up around Christmastime when they search on Santa! Having an amusing song title helps to catch their attention too, and makes them curious enough to download the song.

Once you copy all of your files to the sharing directories, leave your computer up all of the time, and keep track of the uploads. If your website has been up for a while, and has been submitted to the search engines, you have the possibility to make new fans all over the world as they search on your band name. You are tapping into the tremendous potential word-of-mouth that we discuss in our 6 Degrees of Distribution section, with the further possibility of people stumbling upon your music by chance on these popular file-sharing services as well.

File sharing isn't enough. The next step is to promote your music. See the promoting your music section to see our recommendations for promotion.

The CD is Dead

> "Luminous beings are we, not this crude matter."
>
> - Yoda

A common theme in science fiction is the idea that the ultimate state of existence is to become a being of pure energy. If a music recording has a similar ultimate state of existence, it is to become pure data. With the help of computers, digitization, and file compression, that ultimate state has been achieved.

A single 40GB portable MP3 player, which is the size of a pack of cigarettes, can hold more than 800 albums worth of songs. Imagine 800 CD's stacked up next to one of these players. The physical objects that we used to use to hold this data are unwieldy, expensive, and difficult to transport. They are obsolete.

What the CD represents in today's world is what a floppy disk used to be for a computer: it's a way to temporarily hold data so that you can hand it to someone. When you're at a show, and someone wants your music, you need to be able to give it to them somehow.

Since we, as independent bands, make albums, we need to be smart about whether it's worth it anymore to duplicate albums. The duplication costs are not cheap--although they continue to get cheaper as production techniques get better. But we also need to be able to hand them that "floppy disk full of music." If there's any flaw about music becoming pure data, it's that you still need a way to have a physical object to be able to move it around in the real world.

The key for independent bands is to balance between creating a small number of disks, and using digital music networks to share your music. It is a problem that currently has a gap that is closing quickly. In the meantime, we suggest that you print as few of those disks as required for yourself, and use stores such as cdbaby.com to get your music onto digital networks.

Putting on Great Shows

A lot goes in to putting on a good show. In this section, we're going to share with you what we've learned about putting on live shows.

In general, you should take playing live music as a business. When you play live music you are literally professionals; you are getting paid to do a job. It's important that you treat it that way. You are there for the audience.

Here's the summary, if you're in a hurry right now:

- Designate just one person responsible for booking.
- Great live music is all about energy. Make sure that you have a lot of it, and direct it towards the audience.
- Start big and end big to win over the audience.
- Always play some covers or familiar songs for your audience to keep them involved.

Booking

It's important to designate a single person in the band to handle bookings, even if you use an agency. You don't want any embarrassing date collisions when multiple people get gigs on the same date. Nor do you want any confusion about who to talk to. It's key to have one person coordinating this aspect of playing live. Give them a booking cut of each take, so that they are getting something for their time and efforts.

Once you designate someone, make a band calendar and mark all of the dates that the entire band can be available for gigs. Mark all dead weekends and evenings clearly for the booker. Sometimes, this is best done using a Yahoo account, or other free calendar sharing programs, so that everyone can update the same place easily and so the booker can check it as it updates.

The person doing booking should be a "people person." It's all about the relationships. It's about having a beer with the people who book bands at the bars and also about having a thick skin to deal with rejection. They should also be persistent. And they should have a cell phone.

We hate to say this, but if you can, get a woman to do it, especially if they're attractive. We had a female booker at one point, and it helped our band get gigs, and made for good relationships with the bars. They enjoyed calling *us*. Most of the venue bookers were guys. Most of the other bands used guys as bookers. We had the advantage. Hey. It's the music business. Do what works! (We realize an exception would be male gay bars, and gay bookers. Again, if that's your scene, do what works! Match the genders the right way and let nature help you book your band.)

You will need a booking kit with a short one-page description of the group and a CD with a sample of your music. It's best to describe your music by comparing yourself to bands that people know. If you're a cover band, that's easy. But you might have a harder time as an original band. Most bands that play original music hate doing that, but it's the quickest way to describe the band in a sentence. Imagine that your booker is in a noisy bar, talking to the venue's agent about a gig. He asks what you sound like, and suddenly, you need to be able to yell it over the bar noise and accurately describe yourselves. You can't say: "Like bittersweet chocolate, with flavors of a sunset afternoon" and expect them to understand. But imagine if you said: "We sound like Elvis was covering Led Zeppelin with a reggae backing band" (that band exists, and it's called Dread Zeppelin.) They'd think that you were *nuts*, but at least they'd have an idea what you're about in one sentence.

After dropping off your kit, your booker will have to be persistent and keep calling until you get that gig. You may have to play an initial open-mic night to get in and some of these require you to pay for the sound guy. Those are worth doing to start the relationship but not after the first time. We paid the first time we played, but the next show, we got the door. And once we established a following, and had the ad clippings to back up the fact that we were established, we were in much better shape.

Keep in mind that the first time you play at any particular venue, you need to bring lots of people. The bar is there to sell beer, not music. If you need to get people out, throw a party starting after your show. Basically, you invite your buddies out to see the band and then for a keg at your place right afterwards. We did that when we first played live. We filled the place when we played and we emptied it when left. They not only had us back, they had us headlining.

We don't know about booking other cities, but in Chicago, proving yourself at one venue means absolutely nothing to the others. Hog Head McDunna's might love your draw, but when you try to play Goose Island, you have to play an open-mic night to show that your band is worthy of a weekend. We even had to do that after we crossed the 5 year mark of clippings and experience. It's frustrating but it's the reality. They won't even call the other bookers to prove that you are what you say. They are all in competition. You might have to smile and deal with it, and build your relationships slowly, and separately.

Finally, once you book a gig, do not ever cancel if you can possibly help it. Venues will often ban you if you cancel. Especially on short notice. Beatnik Turtle once had our drummer cancel on us a few weeks before a gig, and we ended up playing the show without the drummer! We called it the Beatnik Turtle "acoustic night." Although it was a difficult gig, the bar was very grateful, and we kept the relationship. We've played there many times since, and that bar still loves us.

Showmanship

When you get on a stage to perform a show, there is one thing that you should remember: You are there for the audience. It is **not** the other way around.

This means that you shouldn't drink too much (or not at all if you can't hold your alcohol.) You shouldn't take drugs before performing. And you should strive to play as well as possible when you get up there. Few audiences like hearing a group if they're too drunk or stoned to play. You should also practice at least once a week to keep your edge. Make sure that the band is tight, and can pull together after a train wreck on stage.

No matter how you deal with practicing, or drinking before shows, what being there for the audience really means is that your energy when you play is directed outwards, towards the audience. All musicians have a different kind of focus when they play. There is a zone where you get out of your head and become unaware of your surroundings, lost in the music. But when you put on a show, at least initially, direct your energies towards the audience. When you do that, an amazing thing happens. They pick up on it and give energy back to you, magnified. If you do this, it begins a good kind of energy feedback loop. It's an incredible feeling once this kind of thing starts. And when shows catch in this way, it can become magic. If you think back to the shows that you attended that you liked the most, that energy was probably there. You could probably reach out and touch it.

If there is one thing that's consistent with our successful shows, it's that we had that energy. A lot of people have told us that it looks like we're having a ton of fun up there every time we play.

We are, and we direct it outwards, towards the audience. When that happens, we get back many times back what we put out. And we get a connection to them.

To us, this concept is the key to putting on a successful show, but we've run into very few bands that do this. The ones that don't put out this energy are the ones that put on unsatisfying performances. One band that headlined after ours proved it to us. We finished our huge finale, had people jumping and yelling and calling for more. We tore down quickly to make room for the headliners. When they started, they said "Um, wow. Uh, thanks Beatnik Turtle." And then they started to play a slower number, all while staring at their shoes the entire time. The energy level in the room was quickly sucked out. And they kept looking at their shoes, song after song. Their shoes were not the ones that they had to entertain. The room emptied pretty quickly and the audience that actually stayed was in the back of the room nursing their beers.

The final item about showmanship is an interesting argument that we often see between musicians. There's a discussion of "staying true to the music" versus "pandering to an audience." It might be an interesting debate over a beer, but it's not useful when you're putting on a show. In the end, you are entertainment for the audience. And that's why this energy idea is so important. While you need to make the show follow your own aesthetic tastes--which might include a dark brooding look or a screaming spandex serenade--don't forget that you are there to entertain. You are there for them. Having an attitude that they are lucky to hear you will ***not*** help you put on a good show. We think that David Bloom, who is one of Chicago's Jazz gurus, captured it best: "Don't reduce music to the size of your ego. It's a lot bigger than you. It was here before you, and it'll be here long after you're gone. Music is something to look up to." If you look up to music, the audience will look up to you. But if you look down at the audience, they won't be there next time you play.

Start Big and End Big

For ideas on how to put on a great show, learn from Hollywood. Take any successful action film. They often start with a literal bang, an explosion of some sort, or a major gunfight or car chase. No matter what happens in the middle, it always ends with what they call "The ticking clock," including a chase scene and heart-pounding stunts and sequences before the guy gets the girl in the end. The saying they keep in mind as they write this stuff is "Start big, and end big!"

We can tell you that this formula works and you should use it when you play music. We always start with a rocking song--usually one that uses all of the horn section. And we **always** end with a very up-tempo number that gets the crowd jumping up and down and yelling. Even if you want to start subtle, always, but always, end with a powerful song.

Think of a fireworks display. The ending is always a big finale that fills the sky with lights and explosions. Make your show the same way. People by nature remember the last thing that they heard or saw. You can make them forgive a lot of "sins" in the middle of the set if your last song is a strong one. Our goal is to have the crowd more red-faced and excited than we are when we finish. We usually succeed, because one of our biggest closers is a wild, rocking song that has a chorus that gets people jumping up and down as they sing it with us. The reactions we get back from the audience afterwards are the reason we keep playing all of these years. That's when you hear fans say "You guys were AWESOME" and know that they really mean it.

We don't know why other bands fail to do this, because it's a well-known axiom, and it just works. Almost every Broadway production, movie, and most pro bands understand this fact of show business. Remember it when you plan your set! "Start big and end big." What goes in the middle is just the creamy filling. You can do what you want in there as long as you follow this rule.

Covers vs. Originals

There's an ongoing debate about whether to do cover songs versus originals. What you choose depends on your band.

First of all, don't worry about playing covers, even though someone else "owns" the song. The music venues pay for the right to have you play "Freebird" as many times in a row as you want. Since you don't have to pay, play it all you want. See the **Copyright Section** of The Survival Guide for the details.

There are some "purists" who ask what reason there is to play covers at all. With the easy availability of CD's and MP3's, you could play the songs by the original groups all you wanted. The truth is, however, that people love live music (when it's played right.) And if your band is creative, you can put your own spin on the covers. You also don't have need to work as hard to prove yourself to your audience because they'll probably be familiar with the music.

If you play originals, and you are just establishing yourself, you should still play a mix of covers. Doing so will give your audience something to hook onto, in between the unfamiliar songs. You can do this until you get established, and your own originals become familiar. In that case, you'll be playing your older favorites as anchors for your fans as you introduce your new originals.

Gametapes

If you are heading out the door to a party, chances are, you check out the mirror to see how you look, and straighten out your hair or clothes. If you're practicing for a show, it makes sense to record yourself to do the same thing for music that you do with a mirror for your appearance.

You should record your practices, and every show that you play, so that you can improve your performances.

It doesn't have to be a high-quality recording to be useful to you. You can literally dig out an old cassette player for it. If you have a laptop computer, or even a desktop that's in your practice space, you can buy a microphone at Radio Shack, and record directly to your computer, which would allow you to distribute the files more easily to the rest of your band.

If you record to a computer, you don't even have to pay for software for recording. We recommend installing the free program Audacity (http://audacity.sourceforge.net/). Audacity has recording capabilities, and editing capabilities so that you can cut out the chatter between songs and just send out the good stuff. Audacity also allows you to export the music to MP3.

For performances, it's best if you have someone you trust that can watch the equipment, and hit record when it begins so that you don't have to worry about it. You can use audio recordings of your shows to find out how the sound people did, and be able to give them more specific information in the future on how do deal with your bands music.

The best option for shows is if you can get your hands on a video recorder so that you can record your performances. Watch how your band moves during songs, and presents itself during a show. Remember while you're watching to look at it from the point of view of a music fan who's in the audience to be entertained. Is the banter smooth? Did you remember to announce your CD's? Did you say your band name enough times? Remember, at every show there are usually people who don't know who you are, and some other people who have just walked in the room after you finished that last song, you should announce to them who you are.

By listening to recordings of your band in rehearsal, and at gigs, you will probably learn a lot of surprising things, and some can be fixes as simply as straightening your hair before a party when you look in the mirror…

Practicalities

Most of the writings regarding playing live will tell you about many practicalities. We'll just list the big ones here.

1. Be on time.
2. Always do a sound check. And if you can, buy the sound guy a beer to get him on your side. Bad sound mixing can make the best band sound terrible. During the check, and even during the performance, make sure your monitors are set so you can actually hear yourself.
3. Bring extras of any equipment that can break easily. Extra guitar strings, extra cables. Extra reeds. Etc.
4. Have someone run your band CD and merchandise store if you can. It's hard to sell from the stage.
5. Most bands, including ourselves, tend to have high emotions right before a show. Take any fights or negative feelings with a grain of salt and try not to let your fellow band members take it the wrong way. The last thing you want to do is play pissed off at each other.
6. Have fun. We're not telling you this in the same way your counselor at day camp said it. If you are not having fun, your audience will probably catch the bad vibe and it will not be a good show. And, conversely, when you have a great time, they pick up on it and make the show special. Your best shows happen when the good emotions run high.

Recording an Album

Recording is a huge topic with many books and websites devoted to it. This is not a complete lesson in recording. Instead, this section is tailored to indies, including how to minimize your studio time for those paying by the hour as well as giving you ideas on what you can do with your studio if you have one. We're not professional recording engineers but, after three albums, we certainly have a list of tips, techniques, and—most of all—things that we tell ourselves that we'll never do again. As always, we are not claiming to be experts. Please **comment** if you have any corrections or, especially, any new ideas of what to add here.

We're going to cover the following topics:

- **Planning an Album**: The major steps that you need to go through to plan out an album.
- **How Multitrack Recording Works**: An introduction to multitrack recording for musicians who might not have recorded in a studio before.
- **Multitrack Recording Techniques**: Different techniques you can use while using a multitrack recorder including vocal thickening and others.
- **Recording Plan Example**: A recording plan that has worked for us!
- **Saving Studio Time**: When you are in the studio, the meter is running. Here are ways to save time as you record your album.
- **Mixdown**: An explanation of the mixdown process.
- **Mastering**: An explanation of the mastering process including sound samples pre and post mastering so that you can hear the difference. Also contains tips on saving mastering time.
- **Recording Mistakes to Avoid**: Don't make the same mistakes that we did! If you have your own recording equipment, especially digital equipment, we give you some tips on mistakes to avoid.

How Multitrack Recording Works

Some of your are old hands at recording, but we've run into some excellent musicians that have mostly played live or haven't recorded their first album yet. This introduction section is for those of you who haven't experienced the power trip that goes along with multitrack recording. We're going to start with the basics and then get a more advanced later. So those of you who are more experienced can skip ahead.

First of all, a lot of folks are used to the idea of the entire band getting into a room and recording an album as if it were a live performance that you have to get perfectly right. Those days are long gone. Excepting live albums, jazz, and some classical recordings, most music is recorded by pulling each musician into the studio separately to record their parts, letting the multitrack recorder record each of these parts on separate parallel tracks. This makes scheduling much easier, for one thing, and it also means that you can focus on each musician and get the best performance out of each one. You can "do it again until you get it right." You can also experiment with different effects, perform it in different ways, or you can add more parts later if you get a new idea. Very often you'll bring in a single musician to do all of their parts on all of the songs of an album. For example, the bass player will take care of his parts on all songs on a single day. Now that a lot of music is recorded digitally, some albums are recorded with the musicians in different cities. The tracks are transferred over the Internet, or on shipped CDs, and the recording is done at a different studios.

Even better, multitrack recorders allow you to punch-in different parts in order to correct mistakes, or to add more parts. For example, if you record a phrase of music and find that the first part sounds good but the second doesn't sound right, you can punch-in the record button on that track at the moment that you made the error and fix the mistake. This is most easily done in natural breaks in the music or where you take a breath in a singing part. Most of the recorded music that you hear is actually a patchwork of different punches, often done on different days. Sometimes, on instrumental parts, they are even done by different people.

If this sounds like cheating, remember that the goal of recorded music is the final recording. When you hear an album, no one knows how it was put together. And while often we feel good when we're in the flow of playing music live, when you put a microscope on your music, suddenly you start to care a lot about tiny discrepancies in your timing or perhaps the one note out of a phrase that is slightly out of tune. When you have the tools to fix these issues and your goal is to have the highest quality recording possible, you will probably be more inclined to use the tools. Besides, punching-in a part to fix problems is a misdemeanor compared to the capabilities of computer-based recorders. The felonies happen when you use the digital recorders to modify parts from a singer who can't sing in tune into perfect pitch. And in most of the commercial music you hear, they sang that great chorus just once and got it just right, then they cut-and-pasted the chorus a few times in between the verses. And if there were timing issues, you can add a bit of padding in between parts to tweak it into the groove. Once music became digital, tools created for music do what a word processor did for writing.

If you consider this to be a bad thing, keep in mind that recording software also allows you to use a number of techniques that were either extremely expensive or impossible. There are an incredible amount of plug-ins for this software that can expand your sound and give you new capabilities. If you are at all interested in doing the recording yourself rather than paying a studio to do it, there is an exciting world waiting for you. Read on for some ideas.

Multitrack Recording Techniques

There are some standard techniques that you can use only when you use multitrack recording compared to doing a live recording of your group. Consider these techniques as you sit down to plan your recording. You have to put yourself into a different mindset as you record an album and this section should help you think about possibilities.

We're bringing out these possibilities before you record so that you can plan them right and save money in the studio by managing your time. For example, if you know that you're going to use vocal thickening ahead of time, you can plan for it.

Vocal Thickening

A lot of professionally recorded rock music beefs up the main vocal by using a technique called vocal thickening. The idea is simple and easy to do but it can make a big difference in the sound, adding a lot of depth to the vocals. It can also be used with a main horn line or guitar although that is less common.

To use this technique, have the vocalist sing the main part as well as they can. Fix this part first if you need to do punch-ins or make any changes to the phrasing and notes that you're going to use. Then, simply record the exact same part again using the same vocalist in unison with the first part on a different track. Make sure that the first part is turned up when you do this second recording so that the vocalist can clearly hear the first part and match it.

Once this second part is completed, pan each of the two vocals slightly off center during mixdown. One should be slightly left and one should be slightly right.

If you haven't heard this effect, it's simple to try out to hear how it sounds before you decide to do this. Sometimes, the effect is used only occasionally on choruses or even on the ends of phrases. You can even use it just on certain words to "underline" them. A lot of hiphop and rap songs use this technique. Just listen for words that sound "thicker" in the middle of a rap and you'll hear that it's the same person recorded two or three times. Usually, the second vocal is just slightly off with timing or pitch, so there's just a little bit of dissonance that sometimes adds a very cool sound.

For a similar, interesting effect with horns, try recording a line and then record the same line an octave higher on a different instrument.

It Takes a Village...and You Have One

Since multitrack lets you record "in parallel" on many tracks, you can effectively take one person, and make them into a band. If a musician plays drums, bass, and guitar, they can do all three on the recording even though it would be impossible live. They're just recording these one at a time.

If you have a single trumpet, you have a trumpet *section*. If you have a sax, a trumpet, and a trombone, you have a *big band*! It's quite normal to have horns harmonize with themselves, as individual musicians tend to match their own phrasing and tuning easier than having a second player try to do it.

Also, with a single vocalist, you have a chorus of voices. If you've ever wondered how Queen got their incredible sound on songs like Bohemian Rhapsody, it was Freddie Mercury singing the same part over and over. The word about their recordings is that he did this as many as 64 times! That's why it sounds like a huge auditorium full of voices. It's a single voice and a single sound harmonized perfectly dozens of times.

Consider how this technique can be used to add interest to your recording. And don't forget that you have a vocalist or an instrumentalist playing the main part who can also do the backgrounds. If you listen to some recordings, sometimes you can tell that it would be impossible to play live because the lines run on top of each other with one beginning before another one ends. It's all possible when you get into the studio.

Ornaments

Once you have a recording, the best parts are sometimes the small items added to the recording here and there to give it interest, like adding a vibra-slap in two places on a song, or adding more cowbell. Sometimes, it's adding some shouting to some parts of the song. We once recorded a song and decided afterwards that it would sound best if we pretended like it was played at an open-mic night. We recorded an intro by an "emcee" and then took the same four people and recoded conversation and bottles clinking three times in a row on different tracks. The effect was surprisingly realistic.

Making music is kind of like making soup. You can put a lot of little flavors and interesting things in the mix that will blend with the rest. But it's those extra items that make it interesting. And with any reasonable synthesizer, you usually have access to an astounding number of sounds and effects. If you ever wondered what those sound settings were that just had random effects, or odd sounds, try playing with them and see what comes out of it. Again, any live performance doesn't have these things but a recording makes it possible.

Recording Plan Example

Ok, so you're sitting in a room with a song to record, with a microphone in front of you ready to go. Where do you begin? Here's the order that we suggest to make things go smoothly and to save you time in the studio. And the time in the studio definitely equals money. The better you plan it out ahead of time, the more money you'll save. Do your planning when the meter isn't running.

This order has worked well for us, and it took us an entire album and a half before we figured out this method of recording. It should be a good skeleton that you can use as a starting point. Of course, many people have other opinions about this but what we can tell you is that this method works well for us.

1. Set the tempo

You will want to sit there with your drum machine, midi controller, or even a metronome and make sure that the tempo is correct. Sing or play along with it and make sure that it's just right. All of your parts will link to this. Don't skip this step!

2. Record a click track

You can use your midi devices to sync to the timing on your computer to avoid wasting a track on the click and have your devices play along with a cowbell or some other sound. It's important enough to use a track for it if you don't have any midi devices, however.

3. Record a scratch vocal with your main instrument and perform a count-off before you start.

We usually have a guy sit in front of a microphone with a guitar and do a countoff. Then he just sings the song. Sometimes he'll do countoffs for parts that don't have words to keep the time straight. This is a guide track for the drums and other instruments until he re-records the parts. It gives an idea of the cues for the other instruments. A piano works just as well for this. Don't

worry about making this perfect. It should just be good enough to give the others a good idea of where things are. You can even just say words as to where things go.

4. Record the drums

Record the drums on top of the scratch vocal and guitar/piano/etc track. The disadvantage to doing the drums first, at this point, is that sometimes the other layers that get put on top of this tend to insinuate a slightly different fill or slight changes in beats. But the advantages far outweigh the downsides. In particular, when you don't do the drums first, people tend to make mistakes with tempo.

5. Record the bass

As soon as the drums are down, the bass, assuming there is one in the song you're recording, should be laid down on top of this. The layers that go on top of the drums and scratch track need the bass for the chords and to help further establish the groove off of the drums. At this point, there is still a scratch track that leads you along the song which should help the bass player know when the chorus, bridges, and verses come in. If the bass is not available, and you have to put off recording it, you should record the rhythm guitar to make it easier to add other layers as well as the bass at a later date.

6. Plan the other layers from there

Add in the other layers as availability allows. As you go through these, you might come up with little ideas to add in here and there. These ideas are often what make the recordings much better but they can cost a lot in terms of time. You'll have to use your best judgment when you do this in recording because if you cut out too many of these things you'll be leaving out some of your best ideas. When you have a multitrack recorder, recording is not just a live performance on disk (or tape.) it's about adding many layers and interesting things for people to discover as they listen to it. Sometimes, it's those layers, or little additions, that take your song to the next level.

Saving Studio Time

Below are some suggestions to minimize time in the studio if you are paying for it by the hour.

Rehearsing for Recording

Most bands will rehearse for a live performance but, for some reason, they do not always do so for recording sessions. The number one way to save money in a recording session is to know exactly what you want to play.

Prepare for a recording session in the same way that you prepare for a live show. Then perform in the studio as closely to the live rehearsal as possible. The point is to avoid learning your parts while you're on the clock. You'll get through them quicker if everyone knows the parts well enough to play it live. Of course you'll come up with ideas in the studio as you play and you should go with those instincts. The point is to avoid practicing your part as you record it. That is exactly when it gets time-consuming.

Tuning the Drums

Tune your drums as soon as you get to the studio before you record a single thing. Many drummers skip tuning their drums. And, generally, in a live performance, it's not really that necessary. Any bad tuning "comes out in the wash."

During recording, however, you'll be putting a microscope to your playing. An out-of-tune drum can actually ruin a recording and is more noticeable than you might think. Tuning them at the

beginning of the recording process can avoid the need to re-record tracks and can save you money. The reason why drum machines are so popular for recording has as much to do with tuning issues as it does with keeping solid time. (Ok, *sometimes* it has to do with avoiding working with drummers!)

The drums, generally, are the most difficult thing to record properly. Leave plenty of time to deal with drum issues when you plan out your recording schedule.

Bring Extra Items of Everything

Bring extra items of absolutely everything that you use when you play. You get charged for the time to go to the store to buy a battery for your pedal. Take care of it ahead of time to save money. Think of extra strings, batteries, cables, tuners, AC plugs, power strips, reeds, tools, and anything else that you use that is important to your performance.

Mixdown

There are a lot of techniques that can be used during mixdown that can have a big effect on the sound of the finished product even though all of the recording is done. Here are some techniques that you will want to think about as you work with your recording engineer (or on your own studio.)

Faders

At the end of a multitrack recording process, each track will be recorded as best as possible as a raw part. It was recorded at the best volume level for that instrument at the time. At the end, however, it needs to have the correct volume and panning *in relation* to all of the other parts.

For example, the vocals should be clear and understandable which doesn't happen if the guitar is twice as loud. Since a voice is often less loud than a guitar, the vocal is often turned up during a mixdown and the guitar is turned down.

Sometimes, the volume level on some instruments needs to be ridden up and down during mixdown. This could be because the instrument wasn't consistent during recording (or parts were recorded on different days and had different volumes.) Or it may be that you want to emphasize a particular instrument on instrumental parts and turn them down a bit during the verses while the vocalists are singing.

Setting the faders properly for each track is the main job of the mixdown process.

Panning

Panning steers the output of the track between the right and left speakers in a stereo recording. In the very early days of stereo, the unsophisticated engineers used to put some instruments entirely on the left or right speakers. They caught on quickly, however, that normally, some instruments and parts should be slightly left or slightly right to give it a more full sound.

For example, if you have two background vocals, often they will be panned off to opposite speakers to give the idea of two people standing on either side of the main vocal, which is usually centered.

The panning is set during mixdown to be mixed onto the final right and left stereo tracks.

EQ

EQ stands for equalization and is one of the harder concepts to describe yet is one of the easiest to demonstrate to people. Good use of it can mean the difference between a good and a bad recording.

As you record an instrument, the microphone, and the recording equipment itself catches different aspects of the sound. Each sound has a low, mid, and high set of frequencies. An EQ unit can boost or suppress different parts of these low, mid, and high parts to the sound. The result, if done right, is a "clearer" sound.

Each track should be EQed according to the best sound of the instrument. Usually this is done by soloing that particular part so that there are no other distracting sounds in the recording, then fine-tuning the EQ to sound best. Most instruments sound a bit better when some of the mid range of frequencies are taken out and highs and lows are emphasized. Generally, most good EQ's look like a smile if you see it on a graph. This is a good place to start for many sounds with a little bit of tweaking from there.

One technique that is used with EQ is to make the best EQ for each instrument, but, when done, make a "hole" in the range that the main vocal is recorded (assuming that there is a vocal track.) This lets the main vocal stick out without having to just turn it up louder. This takes the "clutter" out of that range of EQ. When doing this, each particular track might sound pretty bad alone, but within a mix the main vocal will sound clear and you'll be able to hear the background instruments more clearly too. Think of it like an EQ jigsaw puzzle. You will want to make room for the vocal piece.

Post effects

Most effects on tracks are done during mixdown rather than on the original recording. A vocal track, for example, might be recorded "clean" but then might have distortion put on it during the mixdown process.

There are many other effects that are often put on during mixdown including gates, limiters, phase shifters, pitch shifters, and a whole host of other effects. There are books about the best use of these depending on the situation and they are best learned while playing with an effects processor on a particular track.

There is often special attention played to the drum tracks during this process. For example, gating the snare can give it an extra "kick." And some mixing software and boards have the ability to time shift particular tracks by milliseconds which can actually adjust for the speed of sound to the microphones. This can make the drum impacts more powerful on your mixdown.

Clearly, this small section doesn't do this topic justice. It should give you at least an idea of what happens during mixdown so that you are aware of what is happening. If you are not a recording engineer yourself, it's best to use someone experienced to help you with this. But knowing about it will let you start to talk about it with them.

Mastering

One of the least-understood parts of the recording process is the mastering process. It's certainly something that's easier to show than it is to describe. This section will (eventually) have a pre-mastered sample next to a post-mastered sample so that you can hear the difference.

Mastering people are usually not mixdown folks or recording engineers. They are a separate breed of people. The best description is that they have Vulcan ears, and can hear tiny discrepancies in sounds, and other aspects of the final recording, and can smooth things over and tweak the final sound. The mastering process is kind of like sanding and varnishing a carpentry project. Without it, the final project sounds rough.

Mastering takes the result of the mixdown process for each of your songs and does the following to it:

Normalizes the volume

Mastering will set the final volume of all of the songs so that they are at the same level. If this is not done, there could be jarring changes in volume between tracks. Most rock CDs are mastered to boost the volume of most tracks.

High quality EQ

The mastering process performs overall EQ on the finished tracks. During mixdown, you probably performed EQ on each track separately and you may have done some EQ to the master track. Mastering folks go beyond this and usually have more sophisticated EQ units. This can make the final product sound much "clearer."

Sets the order of the final CD

After working on each track, the mastering engineer will order the tracks on the final disc. They will also set fades in between songs and the better ones will give you a final disc that has special information for the replicators on it.

Other effects

There are a host of other effects that a mastering person will do to a recording. One example is a process that smoothes out the rough edges of a digital recording by putting the output through an actual analog device based on vacuum tubes. Sometimes, adding "crowd noise" to live albums is done in the mastering studio as this is sometimes a question of bridging between tracks that may not have been played next to each other live.

Mastering is charged on an hourly basis, somtimes at $100 or more an hour. So you will want to be prepared with everything that you need in order to save time. Here's what to do in order to make the most of the time:

Make sure that the mixdown is really done

Listen to your mixdown over and over again at different sessions and in different environments. Play it for different people, especially other musicians, for comments. A mastering person usually can't fix a track that's mixed too loudly or other items that can only be done in mixdown. Although they do have a surprising bag of tricks at times, do not depend on them to fix any mixdown mistakes such as a vocal set too low.

Bring the mixdown to the mastering studio using the right formats

Check the mastering house for the formats that they require. Make sure you bring them what they can use, whether that is WAV files, tape, CD, or something else. It's very expensive to schedule a time and then to have the music arrive there in the wrong format. (Note: The right answer is *never* MP3 files. MP3 is a low-quality version of your recording. A mastering house can't do anything with an MP3 file.)

Bring a document with the track order

Decide on the track order before going to the mastering house and bring some paper with what the order should be. Deciding the order while you're there can be expensive.

Don't clip the before and after sounds on a track

Some mastering houses like the before and after junk on a track, because that gives them something to analyze before the track starts. They will clip the tracks to the exact length and get rid of the junk.

Other than these, enjoy the process. Mastering is actually a lot of fun!

Recording Mistakes to Avoid

This section will talk about some mistakes that we can warn you about. If you do your own recording and mixdown, this section might help you. Not that we ran into these ourselves...ok, we admit it. We did. We expect to expand this section as we continue our recording processes. Feel free to send us examples of things to avoid!

Keep your master fader at 0 during mixdown

On analog studios, you can use the master fader to make the entire mix quieter. But on digital studios, putting the master fader below 0 DB will likely act like an ***extremely*** crappy limiter. Our mastering guy pointed this out for us by showing us our recording on an oscilloscope. Most recordings are supposed to look like a ball. Ours looked like a *box*. It was basically cutting off frequencies past a certain point. Needless to say, this doesn't sound good.

Just leave master at 0 and then set your individual tracks accordingly. If you want the entire mix to be quieter, bring all of the individual tracks down. Check your instructions for more details as to whether this effects your equipment or not.

Record at low levels on digital recorders

The analog recorders of the past were usually taken to the redline during recording. And if they went to the limit, it would have an interesting distortion sound. Digital distortion, on the other hand, sounds terrible. Most digital recorders are very sensitive and are set to record clearly at much lower levels. We used to record our stuff much higher on our Alesis HD24 until we were told that we should actually aim for peaks at -15 db. Once we did this, it sounded *much* clearer and was easier to work with.

Album Planning

From the three albums that we've created, here are all of the items that we can think of in order to create your album from beginning to end.

Recording the album

- Choose/write songs
- Practice songs
- Choose recording studio
- Record Album
- Mixdown

Mastering

- Choose mastering studio
- Decide final album song order
- Have an idea of times between songs including fades, etc. (Will be determined during mastering)
- Master album

Album art, text, and miscellaneous details

- Name the album

- Choose cover art, and back tray art.
- Get UPC Symbol to add to album art (Can get one from some CD stores like cdbaby.com)
- Create CD silkscreen art
- Clear the legal status of all cover songs, samples, and loops
- Clear legal status of the art
- Register songs at performance society if you wish to
- Write all text of the album.
- CD Silkscreen text (Some bands just have a picture rather than words. But these are all text that you might consider putting on the CD itself.)
  - Band name
  - Album name
  - Music Copyright
  - Performance society for music
  - Art Copyright (if CD album art on disc)
  - Track listing (Optional, but we recommend this as many albums are separated from their jewel cases)
  - Band Website
- Folder text
  - -Lyrics
  - -Attributions
  - -Copyright information
  - -Performance society information for songs
  - -All musicians that played on each track
  - -Thank yous
  - -Track listing
  - -Recording studio info (if applicable)
  - -Mastering studio info (if applicable)
  - -Cover photo/etc info and copyright info
  - -Band Website

CD Replication

- Find CD Replicator
- Determine CD run/cost/etc.
- Determine formats required for album art and text, CD art and text, etc., and put the CD info into this format

- Determine issues regarding photo negatives, etc.
- Send Mastered Album with art info to Replicator (leave time for shipping, etc.)

Album Release Party

- Determine venue for release party
- Schedule CD release for a few weeks after CD replication shipment arrives (just in case it's late!)
- Write CD release party press release
- Send press release to press regarding party at least 1 month in advance (3 is best!)
- Send announcement to fan mailing list regarding party/new CD release
- Update band website with CD Release party and feature new CD on site.

PR Items

- Write press release for new album (separate from the release about the CD Release PARTY)
- Update the band "resume", fact sheets, and other PR text with the new album information
- Update the band website to feature the new album
- Make press kits for album reviews
- Compile list of album review sites and send to those sites
- Follow up with all review sites
- If reviews come in, update the album press release and website with review quotes and clippings

Online Sales

- Send CD to online stores (Cdbaby, etc)
- Add new album to digital stores if you are using them
- Write album text for online stores

Copyright for Independent Bands

There is hardly a more complex area of law than copyright, and unfortunately, it affects every independent band very directly. It's rather confusing and involved and so this section is meant to be nothing more than a summary of the law. **It does not constitute legal advice!*** If you have specific questions or need assistance in "officially" copyrighting your material, you'll need to contact your lawyer.

Additionally, we need to clarify that this section will be about US Copyright laws. Each country has its own laws and therefore some of this section may not apply internationally.

Now that that part is out of the way, we hope that you will find this section educational and useful without getting too legalistic. As with all of The Survival Guide, we've provided links to those sites that go into greater detail if you find yourself enjoying legal research or are having trouble getting to sleep.

There are many books that are devoted to the history of copyright. Interestingly, it is music and the music industry that has driven much of the development of this law. Music is recorded, performed, published in music notation, synchronized with film and video, and digitized. All of these uses of music can be copyrighted and each use has a different body of copyright law devoted to them.

To understand how copyright works today, you need to know its history, and how things were done in the past. We'll give you links to the history so you can read up on it if you're interested. It's actually a fascinating topic. But if you want the short version, the first section will answer the basic questions and tell you what you should probably do regarding copyrighting your songs.

Here's the summary:

- **Copyright 101 – Copyright Law in a Nutshell**: A brief explanation of how copyright law works.
- **Myths About Copyright**: Discusses three common myths surrounding copyright.
- **How To Register Your Songs with the US Copyright Office**: A step-by-step guide to copyrighting your music.
- **The Types of Copyright**: An overview of the "umbrella of rights" you have and control as a copyright owner.
- **Some Rights Reserved vs. "All Rights Reserved" - The Creative Commons License Alternative**: Discusses and recommends releasing some of your copyright control in the hopes of getting your songs and name out there.
- **Registering your songs with a Performance Society**: Discusses what a Performance Rights Society is and whether to join one or not.
- **Copyright, Cover Songs, and Loops**: A short explanation of the legal issues associated with cover songs, loops, and samples.
- **Copyright and Copyleft**: Some parting thoughts.

[*Although this section has been written by Beatnik Lawyer, please note that Beatnik Lawyer's name is preceded by the word "Beatnik." That is to say, he is Beatnik Turtle's lawyer. He is not your lawyer. Your lawyer is sitting in an office somewhere waiting for your call. That's the lawyer that will be able to give you legal advice. Go on, give your lawyer a call.]

Copyright 101 – US Copyright Law in a Nutshell

Copyright is a legal form of protection provided to the authors of "original works of authorship" including literary, dramatic, musical, artistic, and certain other intellectual works whether your work is published (available to the public) or unpublished. Generally, in the case of music, copyright owners have the exclusive right to do and/or authorize others to do the following:

- **To reproduce** the work in copies (such as on CDs, tapes, DVDs.)
- To prepare **derivative works** based upon the work. This can mean making an offshoot, update, or imitation of the work such as what they do in Hollywood (think "sequel.") Orit can mean repurposing the work into a new medium such as making your song into movie or opera.
- **To distribute copies** of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending.
- **To perform the work publicly,** such as in a bar or other venue. It also means when a jukebox, radio station, or streaming online internet radio stations or podcasts "performances of your song publicly. This is typically known as a "Performance Right."

So, copyright is a legal right to control the work that you created.

When do you "own" the copyright in something?

Well, you have a choice. Either you can buy somebody else's copyright in a work if he or she is willing to sell it to you (e.g., Michael Jackson bought the Beatles' song catalog) or, you can get one ***immediately*** in a specific work of your own if it's original and you capture it in some fixed and tangible form.

Great, what exactly does that mean?

- Your work (for our purposes, a song or musical composition) must be ***original*** and not a cover, copy, or "semi-copy" (e.g., deviation) based on someone else's copyright and
- Your work must be documented in some form that can be referenced at a later time ("a fixed and tangible form.") That is, it needs to be recorded in some way - either digitally, on analog tape, written down in notation form, or even recorded onto your voicemail.

For example:

Imagine you came up with an original song. You quickly grab your guitar, hit "record" on your computer, strum a few chords, and yell a couple words over it ("I'm a 21st Century Man! Woo-hoo! Yeah!").

Congratulations! You've met the copyright requirements. You've just copyrighted a new song. Your song "21st Century Man" is sure to be a hit.

Now, the right to copy this song (the copyright!) immediately becomes your exclusive property since you alone created the work. You're known as the "author" of the work and only the author can rightfully claim copyright. That's right, you can immediately start using that cool, little © symbol with regard to the original song you just recorded if you want (although it's NOT needed.)

How long will your copyright protection last?

Assuming you don't just sell or give away your copyright ownership (e.g., ask any blues musician from the early part of last century) then you can rest assured that your copyrights will last until you (the author) die plus 70 years after that!

Yep, you got it. That means your great-great-grandchildren will likely own the copyright to your song "21st Century Man" as they listen to *their* song in their flying cars.

Myths About Copyright

There is a great deal of common myths surrounding copyright. Three of these are discussed below.

1. You need to register with the US Copyright Office to get a Copyright

No. Registration doesn't "give" you the copyright. The Copyright Office doesn't even listen to what you're copyrighting. They will happily take your money and give you a piece of paper documenting your claim of copyright to The Macarena. Of course, that piece of paper is not worth much if, in court, The Macarena owners prove they owned the copyright in the song long before you.

Recall that copyright protection occurs ***immediately*** from the time the original work you create is captured into a fixed form such as being recorded on a computer. Registering with the US Copyright Office only aids in the proof of copyright by making an official documentation of the work, as well as fixing a date of when it was created, which can help you in court if there's some kind of dispute of ownership. Additionally, it **secures certain statutory benefits** should a dispute arise. It does not confer copyright.

2. You need to use the © symbol otherwise you lose your copyright

No. This is simply not true anymore. Since 1979, you no longer need to include a symbol or any notice of copyright to ensure your rights. However, we certainly wouldn't advise you not to include it. Why *not* give someone notice that you have a copyright in your song?

3. The "Poor Man's Copyright" Gives You the Same Protection at a fraction of the Cost

There is this notion that you can get the same benefits as registering with the US Copyright Office without having to pay the $30 fee by implementing a "poor man's copyright." That is, to put what you want to copyright in an envelope (e.g. a CD with the songs you want to protect) and mail it to yourself. The idea being that the postmark date the US Post Office gives you in canceling the stamp will prove when the song was written. This being law, you can make an argument that in some ways it does. However, there's no sense in wasting the postage: your original work is already copyrighted instantly once recorded. You won't get the statutory benefits you would have gotten had you spent the money and registered with the US Copyright Office. **What are those benefits again**?

How to Register Your Songs with the US Copyright Office

Although copyright protection occurs immediately from the time the original work is created by you in a fixed form, there are added benefits to registering your song with the US Copyright Office. (See **Copyright Circular 1**.)

For instance, one obvious benefit is that registering your songs with the US Copyright Office helps to confirm the date of creation of the song by a recognized authority. This is extremely useful if there's a copyright dispute as to who owns what and when. Even more importantly, registering will give you certain statutory protections and rights not available to you if you do not register. For example, you get the right to collect attorney's fees. If you know anything about their fees, registering is pretty well worth it for this fact alone.

Below are step-by-step instructions for registering your songs with the US Copyright Office. It contains practical information as well as more information about the nature of copyright.

STEP 1: Make a recording of your song on a CD or CDs.

Yes, we know we said the CD was dead but, as you see, it still plays a role. That is, until the US Copyright Office goes completely digital, of course.

You will need to submit two (2) copies – not one - of any songs you made available to the public. In Copyright Law Speak that's known as the "published work." To be considered a published work, the song(s) must be made available to the public in some way such as being put on an album that is sold at shows. However, being published does not mean you need to make money off of it, it simply means available to the public. So, even if you uploaded your song to the Internet freely for download, it's considered published. You will need to include two copies of the song so the Copyright Office can file it correctly as a "published work."

Why do they make a big deal about whether the song was published? Because once they know the public is aware of your song, then, by statute, anybody (and we mean *anybody*) can rightfully perform and record a version of your song. That's right, the other people who want to record your song don't even need to ask permission (although out of courtesy they typically do.) US Copyright law allows anybody to record a published song for a set fee of **9.1¢** (after January 1, 2006) for every copy made if the playing time for the song is under five minutes. (To verify the current rates, as well as the rates for longer songs, **head here**.) So, if your song is published and someone covers your song, you're owed money. Of course, you can negotiate less or let them record it for free if you want.

STEP 2: Fill out the appropriate form.

August 2008 – Note that the US Copyright Office is now going electronic, so these forms are being phased out and thus, so are these instructions. See Copyright.gov or IndieBandSurvivalGuide.com for updated info.

You will need to fill out **FORM PA** if you want to protect the underlying musical expression of the song you wrote. That is, the notes, melody, and lyrics that compose your song.

You will need to fill out **FORM SR** if you want to protect the actual ***recording*** of the music. That is, the particular series of sounds that is "fixed" or embodied in the actual recording. If someone decides to do use your recording either in a film on the radio or to sample and incorporate in a loop, then this copyright is the one that makes them have to contact you to get permission.

Instructions are included on the Forms to help you fill in all the blanks.

In general, as a songwriter, you'll be using Form PA a lot more than Form SR. Form SR really is limited in its scope since it only protects the actual recording. Generally, a copyright using SR extends to two elements in a sound recording: (1) the performance and (2) the production or engineering of the sound recording. As a songwriter, you tend to want to protect the song itself (the music and lyrics,) not just the recording. Therefore, experienced copyrighters will copyright a bunch of demos and songs using Form PA, while only copyrighting the actual recording of a song once the music and lyrics are completely locked in place, it's fully recorded at a studio, and ready to be or is published. This is only a rule of thumb, however. Of course, for better information as to what you should do, you should always contact one of them law-talking guys.

If you're the sole author of the work, then fill out the form in your name, not your band's name. You're an individual with certain inalienable rights. Your band probably isn't unless you incorporated the band by talking to one of those law-talking guys. If that's what you did, return to

the person who told you to incorporate and ask them if you should copyright it in the band's name or not.

STEP 3: Send the items + $ to the US Copyright Office.

Send the CD (or CDs if it's published) plus $30 (or whatever the **current fee is these days**) to the US Copyright Office. We recommend sending it via registered mail with return receipt so you can confirm they received your package.

You can save money if you bundle a bunch of songs on one CD rather than pay $30 for one song. Bundling a bunch of songs on one CD is known by the Copyright Office as a "Collection." Instead of writing your song title as the title of the work on the form, you make up a collection name. However, there are a few rules to this. **The first rule is:** you can make a collection if all the songs on the CD have the same author or authors. You cannot mix and match songs with different authors or groups of authors because they have no way of tracking this. **The second rule is:** you can't make a collection if the songs on the CD are a mix of published and unpublished songs since, like the author problem, the Office cannot track the different publication statuses within the CD.

If you decide to make a collection, make sure you catalog what songs you put on that collection, because otherwise you'll forget. The Copyright Office just takes your CD, stamps the date, does some other menial bureaucratic stuff to make sure they can stay employed, and then files it. They never listen to or look at your CD ever again. They have no idea what's on it and like all good governmental workers, don't care.

STEP 4: Sit Back and Wait.

As long as you filled out everything correctly, submitted the requisite number of CDs, and your check doesn't bounce, you should expect the form you filled out stamped and returned to you in the mail anywhere from 2-6 months. You will not get your CD or CDs back since they need to have it on file there at the Office.

STEP 5: Document & Verify.

Save the returned PA or SR form as proof of when you registered the copyright. Put it wherever you put your other important documents. After all, this is evidence of your property; your intellectual property. And it's important!

At this time, if you're so inclined, you can also head to the **Copyright Records Page** and look yourself and official registered work up, and look your registered work up, secure in the knowledge that you not only have enhanced statutory rights but also have helped support the US Copyright Office and its employees.

The Different Types of Copyrights

Since we're dealing with the messy world of law, it's probably best to recap what copyright is as succinctly as possible before diving into the different types of copyright you have as a copyright owner.

Recall that copyright protection occurs immediately from the time the original work that you create is captured in some fixed form such as your computer. Once those requirements are met, you hold the copyright in that work. You are now deemed the copyright owner. This is now your property and no one else can do anything with it without your permission.

Now here's the deal: there are a lot of different rights under this catch-all word "copyright." In fact, the word copyright stands for an "umbrella of many rights." Under the law, the copryright

owner is the sole person who can authorize whether a copy is made. And there's a multitude of ways "copies" may be made. Remember, in the case of music, copyright owners have the exclusive right to do and/or authorize others to do any one of the following - which are all deemed "copying":

- **To reproduce** the work in copies (such as on CDs, tapes, DVDs.)
- To prepare **derivative works** based upon the work. This can mean making an offshoot, update, or imitation of the work such as what they do in Hollywood (think "sequel.") Or it can mean repurposing the work into a new medium such as making your song into movie or opera.
- **To distribute copies** of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending.
- **To perform the work publicly,** such as in a bar or other venue. It also means when a jukebox, radio station, or streaming online internet radio stations or podcasts "perform" your song publicly. This is typically known as a "Performance Right."

That's a lot of power you have.

It wasn't really always this way, historically, copyright was literally the right to copy a written work. It now means something completely dissimilar to the original intent. Given the amount of power you wield, a better description would be: you have *copyrights* in a work, rather than one copyright. The word copyright actually denotes many smaller, more specific sub-rights - all of which can be divided, sold, retained (e.g. "All Rights Reserved"), or amended as the copyright holder (e.g. you) see fit.

For the sake of this section, let's once again say you made up an original song, strummed a couple chords on a guitar, sung a few lines ("I'm a 21st Century Woman! Woo-hoo! Yeah!"), and recorded it onto your computer. You've successfully copyrighted a new song. Now, here's a list of all the copyrights you have in that song:

1. Mechanical Rights

Once you record a song in any "tangible medium" such as notation on sheet music or sound waves captured on your computer, that physical recording is instantly copyrighted. People who want to make a copy of that recording are supposed to get your permission before they make a copy of that song. You can choose to charge them money for it, or you can let them have it freely. Either way, they need to get your permission before they make the copy. When you allow other people to make a copy of that recording, you are letting them have the **mechanical rights**.

The same rights that we mentioned in earlier sections related to mechanical rights hold true for your own songs. Anyone can make an album and cover your song. You actually don't have the right to tell them not to. You are entitled to the **statutory rate**, although you can always decide to give away your songs for less, or even for nothing at all, if you were feeling generous.

2. Publishing Rights

That same song you recorded onto your computer also has a melody which can be transcribed into notes, tabs, and/or lyrics that can be written so other people can make the music, as well as allow other people to cover your song on recordings. If they want to do this, then they must ask permission before they make a "copy" in this way. You can choose to charge them money for it, or you can let them have it freely. These are known as the **publishing rights**. It's the abstract idea of the song, rather than the actual recording that you have of the song (which as you know from the above is covered by mechanical rights.)

You have pretty much full control over publishing rights. US Copyright law does not set a statutory rate with regard to mechanical rights. If you don't want someone to write sheet music for your songs, they can't do it without infringing your rights.

3. Performance Rights

The **performance right** you have in your song occurs any time your song is performed publicly such as in a bar, restaurant, or department store, or over the airwaves on TV, radio, or even over the phone while "on-hold." If any of these outlets wants to copy your song by playing it in their establishment or over their airwaves, then they must ask permission before they make a copy in this way.

Once your work is published, others are allowed to perform your song as many times as they want in exchange for a small royalty (which is also set by statute.) Performance Rights Societies such as ASCAP, BMI, and SESAC monitor such establishments and radio to collect these royalties that are owed their members (i.e. copyright owners.) Only members who register with one of the three Performance Rights Societies (ASCAP, BMI, or SESAC) will be eligible to receive these funds if they are owed. To get in line and make sure you get what's coming to you, you'll want to become a member of one of these three groups and register your songs with them so they show up in their database. They don't know what to listen for unless you tell them. Of course, if you have no hope in getting on the airwaves, then there's not much they can monitor. For more information and a discussion about these organizations, head **here**.

4. Synchronization (sync) Rights

The term "Synchronization Right" is a fancy term for a simple idea: whenever someone wants to put use your music to video - whether it's used on the background of a commercial, a theme to a TV show, or part of the soundtrack to a film or DVD - that person needs to ask you for the right to "sync" that audio track onto the video image. So, let's say your new song is somehow heard by, say, Steven Spielberg who then insists that it must be included in his new film. He needs your permission before simply "copying" it and placing it and "syncing" it into the audio portion of the film.

You can choose to charge him money for this, or you can let him have it freely. (Our advice on this one is to charge him some money as we think he can afford it.) By giving him permission to use the song in his film, you are granting him the **synchronization right** to the song.

Similar to the publishing right, the synchronization right is not compulsory. No one can legally force you to let them put your song in their movie or TV show. And, like a mechanical right, there's no imposed statutory rate dictated by US Copyright law for how much you can charge.

Now that you know copyright speaks to a variety of sub-copyrights - mechanical, publishing, performance, synchronization - you now know why most people simply say: "All Rights Reserved."

Any lawyer would say that's a good default setting to announce to the world once you hold a copyright in a work. That way you keep control. However, it doesn't have to be that way…

Some Rights Reserved vs. "All Rights Reserved" - The Creative Commons License Alternative

One of the main reasons most people say "All Rights Reserved" is because they think that's what they should say when they give notice of their copyright. In general, this is good practice. The reason for this, however, is because there are new rights to the same piece of music that seem to get invented every day. We live in times of great technological advancements. One hundred

years ago, musicians only knew a song could be performed, notated, or punched into piano rolls. Today, the same song created one hundred years ago can find its way not only on a CD, but also in a film, a video game, an elevator, streamed across the Internet, or even housed in a cell phone ringer. Many of these new uses could not have been contemplated a decade ago, let alone one hundred years ago when some of these rights were invented. And there seems to be more and more applications for music that are being invented all of the time.

To guard against this, most copyright owners simply announce, "All Rights Reserved." But you don't have to. Thanks to the previous section, you now know that you can divide these copyrights. It isn't a case of reserving all or losing all. You can grant someone unlimited mechanical rights, but reserve or retain any synchronization or publishing rights. You can even add amendments and addendums. For instance, you can grant people unlimited mechanical rights unless they decide to use your copyrighted song for commercial purposes. And this leads us to some useful packaged licenses, which are described in the next section.

By now, you are probably heady with power. You have so many rights for each song that you record and all of those rights are reserved for ***you***. While these rights are impressive, there probably isn't a long line of people standing outside your door with money in hand begging you to grant them these rights. Actually, they probably can't even spell your band name right, if they recognized it in the first place. The biggest problem that independent bands face is not protecting our rights, it's getting name recognition, getting our music out there and listened to by as many people as possible.

The problem with copyright is that the default setting for copyright is "all rights reserved." From a legal standpoint, a person that wants to share your music with their friends by giving them a copy of an MP3 of one of your recordings should contact you first to get the right to do that. Or they should buy their friend a copy.

Does this happen? No.

Are they in violation of copyright law? Yes, if you didn't give them permission.

This is also true if they want to file share your music, use it in a TV show that they wrote, or add it to an independent movie. If you want to grant people rights to do these specific things, you need to draft a license (a special contract) that grants them permission to use your work. You can do this on a case-by-case basis so you retain absolute control over your work. Or, if you want to try and **get your name and music out there,** one alternative is to draft a special license that states only "some rights are reserved" and to spell out which ones you allow and which ones you don't. For instance, you can write a license announcing "to the world" that your music is fine to be freely shared as long as its not used for commercial purposes or that they attribute your name as author of the work.

Do you need a lawyer to do this? Generally, yes. But there is one group that will allow you to do it for yourself. And that group is the **Creative Commons**.

If do not wish to reserve ALL of your sub-copyrights, but rather grant some of them away in the interest of sharing your art or helping to get your name and music out there, then the **Creative Commons** organization can help you. They have drafted a number of pre-generated licenses that you can customize depending on your goals or "control issue comfort level."

These licenses announce to the world what rights you are willing to grant "to the world" and which rights you wish to still retain. The world will not have to talk to their lawyers to find out if it's ok to use your work and you won't have to get a lawyer to write a license for you. It's all spelled out in advance. Of course, if you want to give all your rights away so that it becomes part of the "public domain" and our culture, you may do that as well. The choice is yours.

The licenses are free to use and the **Creative Commons** website itself has a lot of interesting and useful information on copyright and licenses. As an independent band, we recommend licensing some of your work via some of these licenses.

In fact, we practice what we preach in that we use **a Creative Commons license** that allows people to share our work and songs with friends and even sample or create loops from our songs.

Performance Right Societies

If you think your songs will be performed on the radio re-read the first section that talks about the realities of pay-for-play radio. After you've read that, if you still think your songs will be played on the radio or if you think your music will be used in commercials, TV shows, sports events, or otherwise performed without you doing the performing, then you should register them at a performance society. As with anything in life, if you think there's the remotest chance it may be performed, then you probably should do it. And, as with everything in life, there's a small fee involved.

Why? Because as the copyright owner, every time your song is played, or performed, you should be paid. This "performance right" is simply just one of the many copyrights a copyright owner has. The law is written such that no one can stop anyone from performing someone else's music. However, once performed, the owner is entitled to get compensation.

So, how do you make sure you are paid? There's a lot of history behind the answer to that question, so the result might seem a little strange, but the short answer is that there are musician collectives that collect money from every place that performs music as a general fee for playing music registered with them. These are known as "performance societies."

In the United States, the three societies you can register with are: ASCAP, BMI, and SESAC. These societies catalog and keep track of all the songs played everywhere and then pay you for each time your register song or songs are performed (e.g. on the radio, in a movie, played live by other bands.) Well, at least that's the theory.

Each of these societies collect money and a list of songs that have been played from music venues, radio stations, and other public performance sites and then pay the people who wrote the songs that were played accordingly (after taking a percentage for themselves as operating costs, of course.) In other words, they protect your performance rights by collecting licensing fees from the users of your music (e.g. bars, radio, jukeboxes) and then distribute the royalties owed to you. So if your registered song is played on the radio, and if they somehow catalog this fact, then the performance society will pay you. Without these societies, you'd have to track each performance of your song, locate the place of performance, and then negotiate and collect the license fee owed to you from each of these establishments.

You can only become a member at ONE society, so choose wisely although they're pretty much all the same. You'll have to pay a yearly fee to be a member, although this amount may be somewhat negligible (ASCAP charges a one-time fee to join for instance.) Your membership allows you to register songs (typically electronically through the web.) Your membership also gives you certain benefits (such as discounts at chain music /music instrument stores) and pertinent and important **career advice for the independent musician**.*

[*This is sarcasm.]

If your registered song or songs are performed during the year, you will receive a royalty check. The royalties are set by the statute and amount to pennies on the dollar.

How do they track songs? State-of-the-art computers, of course.

BMI explains…

> *"Over the course of each year virtually every radio station in America provides BMI with airplay information, amounting to a total of over 500,000 hours annually. These lists (known as logs) are put through a state-of-the-art computer system that multiplies each performance by the ratio of the number of hours of airtime in a sample to the total number of hours of airtime on radio stations in America licensed by BMI, which gives a statistical approximation of the actual number of performances on U.S. radio." (See **BMI Site**)*

In other words, if your registered song is played a helluva lot of times and rises to a level of statistical significance, you can expect a check to come in. Ironically, when you play your ***own*** original songs at a bar, you are supposed to get compensated for it. In Europe, they actually keep track of your playlists at venues and you will get some credit for playing your own music. Unfortunately, the US does not do this. Here's what one experienced musician, Janis Ian, had to say about this:

"...America is the only country I am aware of that pays no live performance royalties to songwriters. In Europe, Japan, Australia, when you finish a show, you turn your set list in to the promoter, who files it with the appropriate organization, and then pays a small royalty per song to the writer. It costs the singer nothing, the rates are based on venue size, and it ensures that writers whose songs no longer get airplay, but are still performed widely, can continue receiving the benefit from those songs."

-Janis Ian

Mostly, you'll only get a letter stating that their sampling showed that none of your songs were performed during the year (despite the fact your own band probably performed a bunch of those songs publicly…).

As an independent band, or even one on a small label, you can't expect much of an income from these societies, if any. Because most music that is performed is owned by the major labels, these three performance societies are pretty much in bed with the labels despite the fact they claim to be for the artist. Even if you know that your songs are getting played and can prove the times and dates, unless it gets caught in their state-of-the-art computer algorithms, you are likely to not get anything. And, if somehow you do, it may not make up for the application fee.

If you need to save money, this is definitely one of the steps you could avoid – at least until:

- They get an accurate sampling method that can actually track the few times when an independent musician's song has been played.
- They begin paying bands for performing their own copyrighted songs in public.
- You secure a license deal and you know your music definitely will be used on TV or radio (in which case you would be foolish not to register as you'd have advance knowledge that your music will be performed and possibly caught in their state-of-the-art computer systems. That's what finally motivated us.)
- You become quite established and garner a lot of radio play on your own.
- You sign a major or minor record deal.
- You "just want to be sure" and can't stand the fact that you might, just might, miss out on the few cents that may be owed to you.

Otherwise, these performance societies are unlikely to be as productive as a website, for example, in terms of getting people interested in your band and directly contributing to your band income.

Details as to how to register go beyond the scope of this section of The Survival Guide. However, you can find the pertinent information and weigh each society's benefits at each of their websites:

- **ASCAP** (The American Society of Composers, Authors, and Publishers)
- **BMI**
- **SESAC**

Copyright, Cover Songs, and Loops

Now that you know all the basics about copyright and performance societies, you may be wondering about two of the basic questions concerning music – one that's been around a long, long time, and one that dates back to the 80s. Namely:

- Can I play cover songs when I play out live? Aren't they copyrighted by somebody else? And, if so, can I also record a cover song on my album?
- Can I use samples and loops in my recordings?

Here are the answers. Well, at least, the best answers we can give since, once again, this involves the law, where we might need more than three chords and the truth.

1. When playing live, you can basically play any cover song you want.

By definition, cover songs are owned by someone else. You may wonder how you have the right to play this music anywhere. Most bars probably didn't seem worried when you covered "Freebird," even though they can probably guess that you didn't write it.

Playing any music owned by others, whether live or on the radio, is covered by the "performance right" that the copyright owner has. The performance right is simply just one of the many copyrights a copyright owner has. The law is written such that no one can stop anyone from performing their music. That's right. Lynrd Skynrd can't stop you from playing "Freebird" even though they, and everyone else in the room, want to. Even if you play it on a kazoo with a reggae beat - they still can't stop you. The owner does have a right to get compensated for it, though.

Yes, thanks to performance societies, you can play any cover song you want live at any venue. Performance societies collect money from the place you're playing for the rights to play anything in their catalog. So if you play "Freebird" at Benny's Burger Bar, it's Benny's responsibility to pay the licensing fee (usually a global, monthly fee) to the performance society for the right to have you play that song in his establishment. Benny also has to pay for the radio station playing songs at the bar, the jukebox in the corner, and the music that goes over the phone when he puts your booker on hold once again. These all count as "performances" in which copyright owners are owed.

Here's the goofy part: if Benny didn't pay the licensing fee and he gets busted, then he - and you - are liable. Now, being liable and actually being sued is a whole different thing. It is most likely that they will go after Benny and not all the bands that played at Benny's Burger Bar since (a) he's liable, (b) he should have known better, and (c) they know exactly where he is.

Of course, if you discover that the bar or venue is not paying a licensing fee, then ASCAP, BMI, and SESAC probably say somewhere on their website that they want to know. These societies

have gotten increasingly aggressive in recent years. One of the more amusing examples is when they strong-armed the Girl Scouts to pay up because of their campfire songs, and songs like "Happy Birthday" which is *still* owned by someone. The Girl Scouts were using their own birthday song for a while until this got resolved. The main thing is: you probably won't owe anyone for your performance of a cover song. They are well aware that it's not worth it to sue indie bands: we're poor.

2. If you have covers on an album, you have to pay fees.

There are many copyright issues and fees involved with recording a cover song and placing it on your album. However, it certainly can be done. You just need to be careful and diligent in doing this legally. The following talks about what happens when you record a cover song and do not change the music or lyrics (there's a whole different set of copyright laws that come into play when you start changing things.)

Typically you need to ask the original copyright owner of the cover song for permission to include the song on your album. However, in this one case – the recording of a published copyrighted song not owned by you – you need not even ask. You simply just have to pay them. How much? Well, at the time this was written, the most they can ever charge you for the use of their song is 8.5 cents. This amount is set by law and is known as the statutory rate. Unfortunately, you'll have to pay this statutory amount for each copy of the LP, tape, or CD of the song - whether it's sold or not. So, it can add up. Plus, there's the whole added headache of accounting, never a strong suit for musicians. Of course, it could pay off to contact the copyright owner. After all, they may decide to grant you permission to record and sell the song for free or they may give you a better deal than 8.5 cents. They're here to do business, and asking for a deal is a good idea if you want to include covers.

What if in contacting them they demand you don't record their song, revoke all permissions, and threaten to sue you? Ah, don't worry about it. US copyright law guarantees that even if they hate you, they are actually legally required to allow you record any published song of theirs you want. Of course, they'll probably charge you the maximum statutory rate, but at least you get to record their precious song.

If you're thinking of recording a cover song, a very helpful and detailed guide as to the correct steps you need to take and forms you need to fill out is **here**.

3. When recording an album, adding loops and samples from other people's recordings requires the payment of fees.

If you are the type of band that uses samples in your songs, you are at risk of violating a copyright owner's right in a loop or sample if you do not have permission to do so. This is true even if you substantially modify it. Courts have decided that a band that uses a sample or loop on a recording in an album is similar to a band that records a cover song on an album. In other words, you have to go through the same steps as #2 above to "clear the sample." Obviously, unlike recording a cover song, which would require one permission-one fee, using multiple loops typically requires multiple permissions with multiple copyright owners and multiple fees. Plus, since you're using an actual recording as well as a snippet of notes and/or lyrics that are copyrighted, you now have to worry about who owns the rights in the *recording* (Form SR), as well as who owns the rights in the *song itself* (Form PA.) This is known in the legal world as "a legal nightmare."

Solutions to this nightmare include:

- Recording and creating your own loops. As copyright owner of your own loops, you can give yourself permission to use the loops royalty-free, if you're feeling generous that day.

- Use loops created by bands and individuals that license their music under the Creative Commons licenses for sampling. Believe it or not, there is a large group of loop-creators who believe in sharing their loops royalty-free. Of course, you won't necessarily find their loops on sale at your local music supply chain. For more info on where to find these individuals, go to **http://www.creativecommons.org**.
- Seek out the copyright owners and pay the requisite fees.
- Risk it and cross your fingers.

Copyright and Copyleft

"If nature has made any one thing less susceptible than all others of exclusive property, it is the action of the thinking power called an idea, which an individual may exclusively possess as long as he keeps it to himself; but the moment it is divulged, it forces itself into the possession of every one, and the receiver cannot dispossess himself of it. Its peculiar character, too, is that no one possesses the less, because every other possesses the whole of it. He who receives an idea from me, receives instruction himself without lessening mine; as he who lights his taper at mine, receives light without darkening me. That ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man, and improvement of his condition, seems to have been peculiarly and benevolently designed by nature, when she made them, like fire, expansible over all space, without lessening their density in any point, and like the air in which we breathe, move, and have our physical being, incapable of confinement or exclusive appropriation. . . ."

> Letter from Thomas Jefferson to Isaac McPherson (Aug. 1813), reprinted in VI WRITINGS OF THOMAS JEFFERSON, at 180-181

On some levels, copyright law is perverse. It goes against what people naturally want to do with ideas and concepts. People like to take what they've seen and heard before, blend it with other ideas, play with it, and then share it again. If you make an album, it's your responsibility to make sure that every piece of music that you're using does not infringe on someone else's rights to their music. If you unconsciously take something you've heard, and put it in your music, you're infringing. It was a lesson for George Harrison back in the 1970s and you don't need to repeat it. Do you like sampling? BE CAREFUL, because you could easily be sued.

And, as you now know, if you write a song, and copyright it, it's yours, and that of your estate, for **70 years** past the date of your death. The original idea in the constitution of the US was for 14 years after you wrote it. Congress passed extension upon extension to extend it to this new limit. There are more than a few people that find this to be untenable, and there was a very interesting court case on this one called Eldred vs. Ashcroft, but the extension was upheld by the Supreme Court. (See **eldred.cc** for a background of this case.)

What's really strange is that patents - a type of copyright for inventions and useful technology - only last for 19 or 20 years (depending on a morass of laws, the amount of times varies.) So you could formulate a method of performing cold fusion, and it would revolutionize civilization as we know it, providing cheap energy for all mankind, making you rich all the while, and it would only be protected for **just nineteen years**. But your song "21st Century Man" and "21st Century Woman" will be protected for decades upon decades (depending on how long you live even 100 years more) - long after your cold fusion method passes into the public domain.

Some people want music to be shared, and they created some **easy-to-use licenses** for all creative people that use copyright law to make their creation more available, not less, allowing other bands to sample it, and other people to make other creative works from it. Some of them

allow you to do this as long as it's not for money, and other people allow you to do what you want with it, even letting you make money from it, as long as you give them credit for their contribution to your work. The general idea is to take lawyers out of the creative process.

We have licensed The Survival Guide under one of these licenses, and we have released this website and the songs that you find within it under a derivative form of one of the licenses from the Creative Commons. The Creative Commons is an organization that created some standard licenses that make clear to people that you will allow them to use your work to make their own creative sounds. If you find a song that is covered under the Creative Commons license (which are easily found from the **creativecommons.org** website), you don't even need to ask the creator of that music if you can use their song, let alone any lawyers. The rights are spelled out in a license for you. Normally, most bands say that you can use their music as long as you attribute the song to them. And if you make money off of it, you should talk to them. Some don't even mind if you profit from it, as long as you attribute their song to them.

We recommend that independent bands release their music under one of these licenses as we, and many other bands, have decided to do. Music is meant to be shared. Copyright is a concept that was only applied to music recently, and as you can tell by all of the rights listed in this Copyright section, it is done in such a clumsy way that it's counter to the way that most people express their creativity. It really takes a lawyer to sort things out and that process can take a long time.

If you are interested in the topics of copyright, including its history, and expression, we ***highly*** recommend reading the book **Free Culture by Lawrence Lessig**, which is available for free from **here** (under one of the Creative Commons licenses!)

Conclusion

We hope that The Indie Band Survival Guide has been useful for you. We are happy to share what we've done that's worked, and also to share the research that we've done.

Some of the other background material that might be useful include:

- **IndieBandSurvivalGuide.com**. A free and open resource that shares all the practical information, tools, and resources that are available to indies, growing and changing as much as the new indie music environment does. Think Wikipedia edited by musicians, with ratings and comments just like Amazon. Add to that an automated link checker to make sure you don't waste time on resources that have disappeared. And since it's open, it grows and adapts as often as the new indie music environment does.
- **The Indie Band Survival Guide –** the book. (Published by St. Martin's Press/Macmillan). The book is based on years of additional research, and is more detailed and better written than the original. In short, it's the complete manual for the do-it-yourself musician.
- **Info about Beatnik Turtle**: In case you'd like to see who we are and our background.
- **About the Authors**: A background of the authors of this guide.

Finally, the most important link of all is our **comment** and **forum**. A big reason why we have shared this Survival Guide is so that we could join together with other indies to share ideas, suggestions, and comments. We – and you – can expand the Guide at **IndieBandSurvivalGuide.com**.

About the Authors

The authors are available for interviews, questions, or comments. **Contact us** at **IndieBandSurvivalGuide.com**.

Randy Chertkow

Professionally, Randy Chertkow is an Information Technology specialist with over fourteen years of experience in enterprise-class Fortune 100 companies. He has a Bachelor's in Business Administration in Information Systems from University of Iowa and a Master's of Science in Computer Science: Data Communications, with a secondary concentration in Artificial Intelligence from DePaul University, where he graduated with distinction. Randy has played music all his life, including jazz, rock, and classical music. His instruments include baritone, tenor, alto, and soprano saxophones, flute, Bb and bass clarinet, guitar, bass, and anything else he can get his hands on. He started at the challenging New Trier High School Jazz program and went on to study jazz at Berklee College of music and then completed a Perfect Set course at the Bloom School of Jazz. He writes, records, and performs with Beatnik Turtle as well as performing with theater companies around Chicago. Randy also writes Sci-Fi and fantasy (dreamofanotherworld.com), and about computer topics (effectivemonitoring.com).

Jason Feehan

Professionally, Jason Feehan is a practicing corporate attorney that works for a multinational executive search firm. He plays guitar, keyboards, sings, records, engineers, and produces. He founded Beatnik Turtle in 1997, growing it from a four-piece band into an eight-piece rock machine with a full horn section and a recording studio all its own. Unfettered by a formal music education, he often learned to play instruments as he wrote the music, and used nearly anyone in arms-length who could play or said they could play a musical instrument. He is a very prolific songwriter and has written close to a thousand songs, three of which are actually not too bad.

Beatnik Turtle

The authors' band, Beatnik Turtle, has released over 400 songs within 18 albums. In 2007, they succeeded at the self-imposed challenge of releasing a song for every single day for a year, throughout 2007, at TheSongOfTheDay.com. They have written music for TV shows, commercials, films, podcasts, theater (including Chicago's Second City), and have licensed music to Disney/ABC Family. If you are curious what they sound like, click here.

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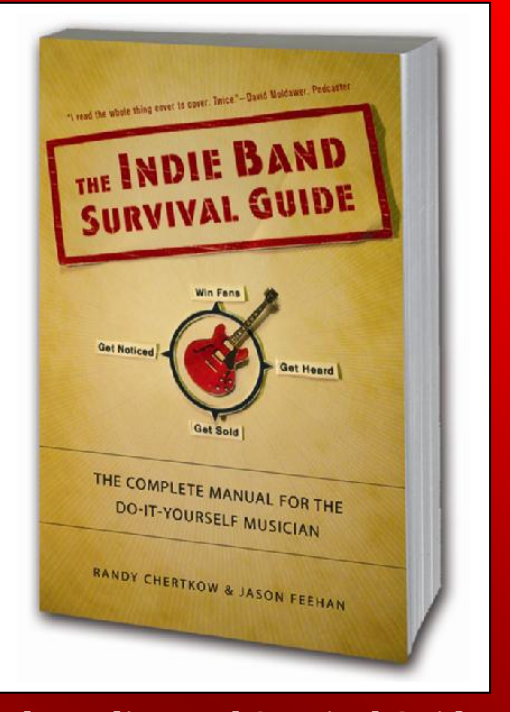

The Indie Band Survival Guide
Trade Paperback ♦ $14.95 / $16.95 Can.
5½" x 8¼" ♦ 352 pages
ISBN (10): 0-312-37768-1
ISBN (13): 978-0-312-37768-7
Available August 5th wherever books are sold

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