



# Down By Law:

PERFORMANCE RIGHTS ACT HR 848

WORDS BY: Dennis Malcolm Byron

Prominent entertainment lawyer Leron E. Rogers discusses the music business' 'transition process' and breaks down what the Performance Rights Act HR 848 will do for artists

WHEN IT COMES TO ENTERTAINMENT LAW, LERON E. ROGERS IS ONE OF THE NATION'S MOST REVERED ATTORNEYS IN THE INDUSTRY. AS A PARTNER OF HEWITT & ROGERS BASED IN ATLANTA, GEORGIA, ROGERS LEADS THE LAW FIRM'S ENTERTAINMENT, TECHNOLOGY AND MEDIA LAW DIVISIONS. ADDITIONALLY, HIS EXTENSIVE RESUME OF HIGH-PROFILE CLIENTS IN THE WORLD OF ENTERTAINMENT INCLUDES EVERYONE FROM STEVE HARVEY TO ICON JAMES BROWN'S CHILDREN, LIL SCRAPPY (WARNER BROS.), "PSC" (GRAND HUSTLE/ATLANTIC), GRAMMY NOMINATED WRITERS/PRODUCERS JASON ROME (LUTHER VANDROSS, JAGGED EDGE, BLU CANTRELL), DMX AND A LENGTHY ROSTER OF OTHERS. ROGERS ADDS, "I AM EXCITED TO WORK WITH SEVERAL ARTISTS INCLUDING DMX, ERICK SERMON (EPMD), Q (112) AND PROFESSOR GRIFF (PUBLIC ENEMY)—(ARTISTS) CURRENTLY PUTTING IN MOTION PLANS TO RELEASE PROJECTS WITHOUT A MAJOR RECORD LABEL. IT IS FINALLY TIME FOR THE ARTISTS TO CAPITALIZE ON OPPORTUNITIES ONCE ONLY AVAILABLE TO MAJOR LABELS."

BESIDES DISCLOSING WHAT WE NEED TO LOOK FOR IN THE PRESENT AND FUTURE OF THE MUSIC BUSINESS, THE WORLD-REKNOWNED ATTORNEY WILL ENLIGHTEN US ON THE NEW HR BILL 848 PASSED IN THE HOUSE COMMITTEE THAT IS DESIGNED FOR RADIO STATIONS TO COMPENSATE MUSIC ARTISTS WHEN AN ARTIST'S SONG IS PLAYED.

**J'ADORE:** PLEASE DISCUSS THE CURRENT AND FUTURE OF THE MUSIC BUSINESS.

**LERON E. ROGERS:** The music business is in the midst of a transition process. While digital downloads and ringtones have grown, they have not grown sufficiently to offset the slide in sales of physical albums since 2004, coinciding with the rise of peer-to-peer file sharing of music. The problem with peer-to-peer music file sharing is that none of the stakeholders in the business get paid for their work including the artist, songwriter, producer, musician, publisher and record label. The music industry must implement a mechanism to get paid from music fans' consumption of music on the peer-to-peer networks. To address this issue, I was on a panel at MusicExpo in London on June 30th to unveil a financial model aimed to compensate stakeholders for music being consumed via peer-to-peer networks. You can find more information at [www.apriceformusic.com](http://www.apriceformusic.com).

Although the music business is in transition, one thing still holds true: good music sells.

**PLEASE BREAK DOWN THE PERFORMANCE RIGHTS ACT HR 848. WHAT DOES IT MEAN FOR ARTISTS AND HOW WILL IT AFFECT THE FUTURE OF MUSIC AND RADIO STATIONS?**

I am a big supporter of The Performance Rights Act HR 848, which would compensate the performer (artists) when their songs are played on your local radio station. Quite simply, it is about paying artists for their work. For more than 70 years, radio has enjoyed the advantage of using artists' songs to attract listeners and sell advertising without compensating the artist. To date, radio only pays song writers, which often times are not the artist. Although Jamie Foxx may not have written a song, he brings it to life when he performs it.

I am on the Advisory Board of the Future of Music Coalition, a group advocating on behalf of the artist community for a number of public policy issues, one of which is the passage of HR 848. I have also worked with musicFIRST to advocate for the Bill. I have been to congress to speak on the issue, and also educated and sent my clients to Congress to support the Bill. The passage of HR 848 is the right thing to do, but has been grossly misrepresented by those opposing the Bill, namely the broadcasters. The truth is small broadcasters would pay no more than \$5000 per year to pay artists for the music they play over the airwaves. So for a little over \$416 per month, the radio station would have paid the artists for their work. The sad thing is that because the U.S. does not have a Performance Rights Act in place, no other country around the world that collects the performers' royalty for U.S. artists pays that money to our artists. Accordingly, our artists lose approximately \$100 million dollars annually which those foreign countries simply keep the money. HR 848 has only passed out of the House committee, and will still need to get through the Senate committee, as well as a full House and Senate vote.

*Please visit [jadoremag.com](http://jadoremag.com) for the complete interview with Leron E. Rogers that includes his advice for aspiring music artists.* ♦

# Do's and Don'ts of Internet marketing for the music artist

WORDS BY: Mz. Limitless

USING MYSPACE, FACEBOOK, OR ANY OF THE OTHER SOCIAL NETWORKING MEDIUMS, EVERYONE IS TRYING TO BE DISCOVERED. WHETHER YOU ARE AN UPCOMING ARTIST, MODEL OR ACTRESS, THE COMMON GOAL IS BEING SEEN ONLINE. GONE ARE THE DAYS WHEN YOUR ONLY OUTLET TO GETTING YOUR MUSIC INTO THE RIGHT HANDS WAS SIMPLY TO HUSTLE ON THE STREETS AND PHYSICALLY GET IT TO THEM. THE NEW DIGITAL ERA OF THE MUSIC INDUSTRY IS UPON US AND ARTISTS ARE TAKING FULL ADVANTAGE. WHAT MANY FAIL TO UNDERSTAND IS THAT NOT ALL "IN-YOUR-FACE" MARKETING TACTICS ARE GOOD. IRONICALLY, MOST WILL HAVE THE COMPLETELY OPPOSITE EFFECT.

WELL YOU KNOW J'ADORE LOVES YOU ASPIRING STARS OUT THERE, SO AFTER TALKING WITH SOME PROFESSIONALS OUT THERE COUPLED WITH EXTENSIVE RESEARCH, HERE ARE A FEW DO'S AND DON'TS TO KEEP IN MIND WHILE YOU'RE MARKETING YOURSELF ONLINE



## The Do's

**Establish a brand for yourself that people will recognize and be consistent with it.**

Branding is very important for people to recognize you and your product. Sometimes people may not be good at remembering faces. By having a logo or a special way in which you show your name and using it consistently, this will help people to remember you and your product. Your brand could be something as simple as a special font type used to display your name. Whenever you print up a flyer, send out a newsletter or post online, make sure to use your brand so it's getting exposure. As simple as it may sound, it could have great significance to your marketing efforts.

**Utilize the various social networking mediums available.**

The key to getting noticed is to be where your consumers are. Today, more people than ever are turning to the Web to purchase music, watch videos and find talent for new ventures. If you are serious about your product (talent) then you have to show you are confident by the way you present your product. If you expect a label exec to take you seriously, make sure that your page looks professional. Make sure to include a bio, photos, samples of your work and information on how they can contact you. Whenever possible, try to avoid direct use of vulgarity, obscenities and nudity on your page. Remember, though it may be a part of your personality or your product, there is a time and a place for it. Your first priority is to drawn interest.

**Always have a clean or radio edit version of your music on your page.**

Although J'Adore's an advocate of complete artist creativity and freedom of speech, one thing to consider when you are trying to gain consumers, find representation or lock in a label deal, make sure you have clean or radio version's of your music to open up more doors. Though your track may have originally been written with expletives, providing a clean version shows that you are prepared to develop music that is radio-friendly. This shows labels that you're proactive about creating music that is ready for mass consumption.

## The Don'ts

**Spam fan, celeb or friends' profiles with music players filled with your tracks.**

This tactic is used all over the Internet. Though it may sound like a good way to get your music heard, ironically, it is the best way to get people to block or ignore you. When artists drop notes introducing themselves and asking if they would check out their music and let them know what I think, this is the best way to show possible new consumers or industry connects that you are serious about your "business" and not just your music. This is a business after all. Being professional about how you go about marketing yourself is key. Posting copy after copy of your music player as a comment on someone's page or their picture is NOT the way to go. To post one track that's not on autoplay would be acceptable if it is not done on an everyday basis.

**Promote yourself as the hottest up and coming artist out.**

The idea is to show your originality. Stating that you are the hottest new artist out or that you are better than the next is how everybody wants to be seen. You need to find out what makes you different from everyone else and promote those aspects of your talent.

**Mass mail your EPK, press kit and/or CD's to industry connections in hopes of being discovered.**

This is one of the most important things you need to know when marketing yourself. Whenever you send your materials out to a label, A&R or radio station, make sure that you have your package addressed to someone specifically. By not doing so, you are showing that you are not about taking care of business. You wouldn't just send a business proposal to a company in hopes that it would get to the right person, would you? Take the time to make the necessary phone calls to find out the right person to get your material in front of.

Good luck and shout out J'Adore when you blow up!

*For more Do's and Don'ts of Internet marketing for the music artists, visit [www.jadoremag.com](http://www.jadoremag.com).* ♦

