

Contracts 101

Get it in Writing!

A written contract:

- clarifies the agreement
- leaves less room for misunderstandings
- provides tangible evidence of the intentions of the parties if there is a disagreement
- is sometimes required for there to be an agreement at all (such as a work-for-hire)
- is more likely to be enforced by a court
- should be created to summarize verbal agreements

Contract = Offer + Acceptance + Consideration (Contract Requirements)

Offer = What the parties are going to do for each other (Buyer hires Artist to perform for an event)

Consideration = What the parties are giving to each other (The parties agree on Artist's performance fee)

Acceptance = Usually signified by the parties' signatures (Artist agrees to perform for Buyer's event)

Cover the Basics – Who, When, Where, What, Why & How (Much)

Who are the parties to the contract?

When is the event?

Where is the event?

What are the specifications for the event? (Song requests, attire, set up time, etc.)

Why is Artist playing this event? (Wedding, concert, etc.)

How (Much) will Artist be paid for the event?

Understand the Agreement

It is important to know what is in the contract you are signing or presenting. Educate yourself about what the various clauses mean and/or have an entertainment attorney explain/review/revise the agreement terms. Entertainment agreements can be confusing to even attorneys who are not familiar with entertainment law, so you shouldn't expect to understand everything, especially in more complex agreements (i.e., management or recording agreements). Beware of "form" agreements, as each deal is unique and forms usually require at least some modification to fit each particular situation. There are no completely "standard" agreements in the entertainment industry.

Typical Music Industry Contracts

Performance Agreements

Internal Group Agreements

Sidemen Agreements

Work For Hire Agreements

Mechanical License Agreements

Sample License Agreements

Publicity Release Agreements

Advisor Team Member Agreements (i.e., Manager, Agent, Attorney)

Producer Agreements

Distribution Agreements

Recording Agreements

Investor Agreements