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Shemel & Krasilovsky: This Business of Music

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THIS BUSINESS OF MUSIC. By *Sidney Shemel* and *M. William Krasilovsky*. Edited by *Paul Ackerman*. New York: Billboard Publishing Co. 1964. Pp. xix, 420. \$12.50.

The reader of this book, whether he is a lawyer interested in copyright matters or a teenager following the "Top Ten," will learn much about the lingo of the music business. Such expressions as "hot masters," "cover records," "synchronization fees," "cut-ins," "demos," "split copyrights," and "union re-use fees" will be found in abundance, for the authors have used the language of the industry in their broad exposition of the entire field of music as it affects composers, producers, artists, and listeners. This book will be of great interest in our modern society, where it is difficult to escape "music" issuing from television, car radios, portable radios, movies, and even used as background in modern business institutions and college libraries and study rooms.

The authors point out that music is big business, and big business is engaged in the music industry. Indeed, as one moves through this work, he may feel at times that he is stumbling among the knees of giants and is apt to be crushed at any moment by the foot of ASCAP or BMI or the Harry Fox Office. However, the rather broad, though necessarily brief, and sometimes too brief, treatment of the subject gives the reader an increasing assurance as he proceeds that he might be able to handle the fine points of the contracts displayed in abundance in the appendix.

Copyright lawyers may question the value of a book which treats copyright infringement in just three pages and which contains not a single case citation and barely a half dozen references to actual cases. Nevertheless, if proper representation of a client in a contract negotiation requires an understanding of the industrial setting of the relationship, then *This Business of Music* will be required reading for anyone attempting to advise a composer, artist, or would-be producer involved in contract matters in the field of music.

An introduction containing charts showing record distribution

channels from the 1930's to the present provides background for Part I of the book, which deals with recording companies and artists. The subjects treated here include artists' contracts, agents and managers, counterfeiting, payola, commercial bribery, and trade practice regulations. The contracts described have obviously been forged on the anvil of experience in the struggle of artists and composers for recognition and protection. The long fight of ASCAP for its now recognized place in the industry is reflected, as is the more recent vigil of the Antitrust Division and the Federal Trade Commission aimed at controlling the abuses arising out of the tremendous momentum of this industry.

Music publishers and writers are the subject of Part II, an extended treatment in fifteen chapters covering copyright in the United States, songwriters' contracts, performing-right organizations (ASCAP, BMI, SESAC), foreign publishing, mechanical rights, show music, movies, and even commercial jingles.

Part III of the book, dealing with many general aspects of the music industry, is probably the weakest portion of the entire work, with an overly brief treatment of such phases of the law as copyright revision, protection of titles, rights of privacy, contracts with minors, and taxation.

The appendix, in addition to the copyright laws and office regulations, contains a number of ASCAP and BMI forms for applications and contracts, as well as many other forms for songwriters, artists, and agents, involving such matters as television and theatrical performing rights and personal manager agreements.

There is possibly a danger that a novice songwriter or artist may accept this book as a "do-it-yourself" guide to negotiation and thus feel able to contract without adequate legal representation. In view of the complexities pointed out by the authors, this would be an ill-advised and unintended effect of a book designed merely to disclose and clarify the many complicated aspects of the big business of music as it exists today.

The chapter and sub-topic titles in the index and throughout the body of the text are extremely helpful to the reader, and the fine cloth-covered binding presents an attractive addition to any library. The authors, Mr. Shemel and Mr. Krasilovsky, together with the publisher, Billboard, have indeed produced a book which, in addition to being a "practical guide to the music industry," should also be extremely valuable to all but the most sophisticated of lawyers in the field.

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