

# THINKING ABOUT BECOMING A PUBLISHER?



Membership enquiries 0800 69 2772 vkelly@apra.co.nz www.apraamcos.co.nz

**Forming a publishing business requires you to apply your creative and industry knowledge and experience to the development of other writers and their catalogues in return for a percentage of their royalty income.**

**Note:** If you are a songwriter and want to find a music publisher for *your own works*, please [click here](#) to review a list of APRA AMCOS publisher members.

Publishers specialise in genres of music and some do not accept unsolicited material, so find out which publishers work within your area of composition or songwriting.

**Being a publisher requires in-depth industry knowledge and experience. It entails a high level of accounting processes and responsibilities.**

## Consider the following

- Are you adequately prepared and resourced to market, administer and monitor the work of other writers so that it will generate a meaningful royalty income?
- How do you intend to earn your percentage of royalty income?
- Do you have a network of music users and the means to promote your writers' works to them?
- Are you in a position to advance money to a writer before collecting any income? (this may be an important incentive to artists).

## Industry knowledge

- Is your music industry experience adequate to creatively and strategically guide your writers?
- Do you have strong relationships within the creative industries that will allow you to exploit your writers' works in different environments?
- Are you in a position to market your writers' works to the key business partners: record companies, media networks, film and television production companies, online service providers, advertising agencies, and print publishers?

## DID YOU KNOW?

In some countries, forming a publishing company is necessary to collect your mechanical income - this is not required in Australia.

See FAQs on reverse for more information.



Australasian Music Publishers' Association Limited (AMPAL) is the voice of Australian and New Zealand music publishers. To find out who they are, what they do and if your business is eligible for membership, visit [ampal.com.au](http://ampal.com.au)

## Business acumen

- Do you have a detailed understanding of copyright, locally and overseas?
- Do you understand the difference between performance, mechanical, print and synchronisation rights and how they are administered?
- What is your understanding of how the changing technological landscape is shaping the way that music is marketed and sold?
- Do you have the ability to create and issue legal licences to multiple businesses?
- Are you equipped to monitor the use of your writers' music around the world?
- Do you understand the legal terms and obligations of a publishing agreement?
- Are you in a position to administer your writers' finances, deduct tax, and correctly report to your writers about how their works are performing financially?
- Are your ABN/IRD, GST registration status and bank details up to date? These are things we'll need in order to pay you your royalties.



## NEED MORE INFORMATION?

Contact our Publisher Relations team:  
[publisherapp@apra.com.au](mailto:publisherapp@apra.com.au)

# THINKING ABOUT BECOMING A PUBLISHER MEMBER?



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## FREQUENTLY ASKED QUESTIONS

### I just joined as an APRA AMCOS writer member, do I need to join as a publisher member as well?

Only if you are intending to administer, promote and commercially exploit the work of other writers.

### Do I really need to become a publisher member?

**Only if you represent other writers' catalogues do you need to become a publisher member. If you are a songwriter who only represents your own catalogue you should, however, make sure you've joined both APRA and, if you are unpublished, AMCOS as a writer member.**

### I'm an APRA writer member should I join AMCOS?

It depends! If you have a signed agreement with a music publisher, it is not necessary to join AMCOS as any mechanical royalty distributions from us are paid to you by your publisher, subject to your publishing agreement.

However, if you are unpublished and your music is commercially available (e.g. CDs, digital downloads) it may be generating mechanical royalties. To collect these royalties, you can join AMCOS and we will pay you any relevant royalties directly.

### I was told overseas that I need to form a publishing company to collect my mechanical royalties. Is this true?

While in some countries forming a publishing company is necessary to collect your mechanical royalties, this is not required in Australia.

If you simply represent your own catalogue, then you can market, promote and exploit it without needing to form a publishing company.

## APPLICATION REQUIREMENTS

**If you have formed a publishing company and wish to become a publisher member, please ensure the following actions have taken place:**

1. You have **registered** and are operating a bona fide music publishing business in Australia, New Zealand and/or a South Pacific Nation.
2. You must have a signed standard publishing agreement with a minimum of **one writer** who is a **member of APRA or an affiliated international PRO** (Performing Rights Organisation), or who has a signed sub-publishing agreement with a foreign publisher that

represents a minimum of one writer who is a member of an affiliated international PRO.

3. You control copyright in a minimum of one work which has been recorded for commercial release or published in some other form (by right of above publishing agreement).
4. You can provide a Certificate of Registration of a Business Name or Company from **ASIC** or the **NZ Companies Office**, which must match the company/business name on your application.
5. The 'status' of your ABN, IRD or NZBN on your application must be active/registered and **cannot change** once elected.
6. You can provide a document listing the names, email addresses and phone numbers of the **office holders of the Company**.

### We will also expect details on legal songwriter agreements with writers.

You must register with APRA all the agreements you have with your writers. It is also expected that you register each one of your writers' works that you control, on an ongoing basis. Your agreements must outline:

1. The term of your agreement (start/end dates)
2. Your entitlement, if any, to the collection of royalties prior to start date
3. The territories covered under your agreement
4. Whether you are to cover the general catalogue or specific works (you must provide the list of specific works)
5. The writer/publisher split (**for performing rights your publishing company cannot claim greater than 50%**)
6. What rights are covered under your agreement, for example:
  - **Performing**—public performance/communication of a song through live performance, broadcast on radio, TV, download, streamed
  - **Mechanical**—song reproduced in physical/digital form via CD, vinyl, download, streamed
  - **Synchronisation**—song used in conjunction with moving picture/film
  - **Print**—song printed into sheet music

If you are confident that you need to become a publisher member and have all the required documents, please visit the following link to receive an application form: <http://apraamcos.co.nz/music-creators/music-publishing/thinking-about-becoming-a-publisher-member/>

If you have any further questions, please contact Publisher Relations: [publisherapp@apra.com.au](mailto:publisherapp@apra.com.au)