

How to Set Up A Music Publishing Company

1. Affiliate your company with ASCAP or BMI.

The societies will not let you use the same or similar name as another publishing company, so you have to clear the name with them first. (Count on approximately five (5) weeks to get approval.) Complete an application and provide three (3) potential names (ranked in order) for your publishing company. Visit www.ascap.com and/or www.bmi.com for more information and to obtain/fill out an application. (If you are a songwriter and have not yet affiliated, you should affiliate with one of these societies at the same time [you cannot affiliate with both]. You will have to affiliate as a publisher with the same society that you affiliate with as a songwriter. If you will be publishing other people's songs as well as your own, and unless all of your writers are affiliated with the same society, you will need two publishing companies...one with BMI and one with ASCAP.)

2. Create a Business Entity or File a Fictitious Name Statement.

You may want to create a corporation or Limited Liability Company to act as your publishing company. If you are not a corporation, then you should file a fictitious name statement with the Secretary of State or similar governmental entity. This informs others that you are doing business under a name that is not your own and makes it legal to do so. You may need this statement in order to open a bank account and/or to cash checks made out to that name.

3. Register Songs with the Copyright Office.

Register the songs with the Copyright Office in the name of your publishing company. If the songs have already been copyrighted in your name, you will need to file an assignment transferring them to the publisher's name. Visit www.loc.gov/copyright/ for more information.

4. Register Songs with the Performing Rights Society.

Register the songs with the performing rights society with which you affiliated in Step 1. Visit the society's website to obtain more information about the necessary registration forms. (You only have to register the songs as the publisher or writer, not both.)

5. Congratulations! You Have A Publishing Company!

Now you can issue licenses to record companies and others, make foreign subpublishing agreements, print deals, and other agreements regarding your publishing.

Note: ASCAP and BMI represent publishing companies and songwriters, so you can affiliate as a songwriter and you'll be paid directly from the society. Writers can affiliate with ASCAP for \$10 and BMI for free, but writers can only affiliate with one society.