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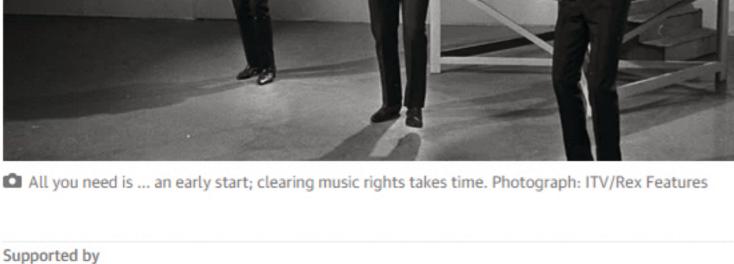
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We can work it out: how brands can master music rights

Richard Kirstein offers advice on how marketers and agencies can ensure that when it comes to matching music to ads, everything comes together





About this content

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Venus in Furs in a Dunlop TV spot for tyres. At the other end of the musical

become forever synonymous with Christmas, gifts and John Lewis.

spectrum, soft and gentle cover versions by Lily Allen and Aurora are likely to

Save for later

emotional connection. Think of the use of The Velvet Underground's malevolent





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However, if music appears to be an easy win for advertisers, this overlooks the complexities of what goes on beneath the surface, where the music rights business can often jeopardise the creative ambitions of even the best marketers. Many brand teams fall in love with one song, for example, and are held to ransom on commercial terms. That or a they're forced to accept restrictive licences that lack the permissions needed for the rollout of their global campaign. From my experience brokering deals for brands, this disconnect is frequently the

However, it need not be a nightmare. Here are some tips for brands, marketers and agencies:

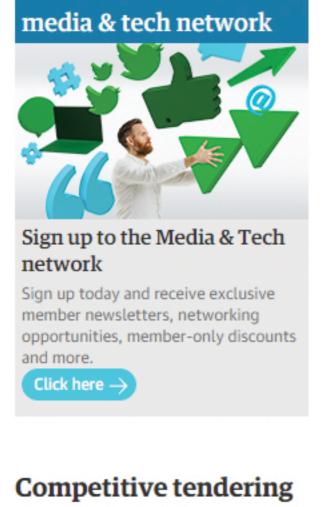
result of poor planning and leaving the licensing process to the last minute.

Global brands can be surprisingly decentralised, allowing local markets

Centralised media buying

significant autonomy. However, although the creative is frequently adapted for

individual markets, the music often remains the same. If those music rights are bought centrally, the global team must know the media plans of their



lead to unlicensed music usage, resulting in penalty fees, take-downs of online films (YouTube operates a three-strikes rule that can lead to channel suspension) and even legal claims from rights owners. Agencies should finalise media plans across every channel as early as possible and stick to them. They should also ensure they cover their clients'

local colleagues in advance. Failure to do so can

joined-up thinking avoids the need to renegotiate licences from a position of weakness after the initial usage. Smart brands should insist that competitive tender briefs are used by agencies to source music tracks, clearly outlining the creative needs, budget and required

usage needs across all campaign activity. This

usage. This helps filter out tracks that can't be cleared or are too expensive.

This allows agencies to manage client expectations, avoiding the disappointment often caused by presenting tracks that look perfect in theory, but can't be delivered. It also demonstrates responsible sourcing.

Start early Clearing music rights takes time. Multiple approvals are usually needed from record labels - representing recording artists - and music publishers, representing

songwriters. The later you start, the more power the rights owners have.

Savvy marketers should insist that any music track suggested by their agency has first been checked for availability and cost. Agencies have a role to play here as well - they can be proactive by doing this for mood films, for example, which are

Better together Marketers and agencies should together focus on return on investment. Where several tracks are being considered for one campaign, the price differentials may

used for testing purposes in focus groups before production of the final ad.

For example, if track A costs £100,000 more than track B, can we calculate how many more units of the advertised product or service must be sold to account for

the greater outlay? In this way, creative decisions are tied to commercial outcomes. As David Ogilvy said: "We sell or else." **Future-proof licences** As a rule, music rights owners just Advertisement want to license the rights a brand needs

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to the table, from a position of weakness, to renegotiate any further usage. Smart marketers and agencies can avoid this problem by including

else. They want the brand to come back

now - the must-haves, but nothing

be significant, especially for multiple markets.

"options" in their music deals - a broad set of nice-to-haves with pre-agreed licence fees. Additional sums are only paid if the option is exercised. For example, the campaign may initially run in the

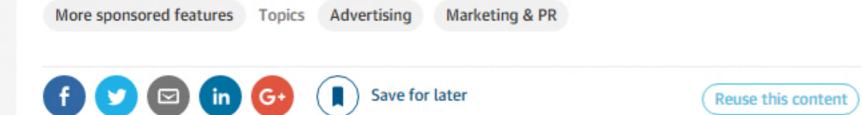
UK, but the brand needs to be covered for possible usage in other EU or Asian markets. Options make this possible.

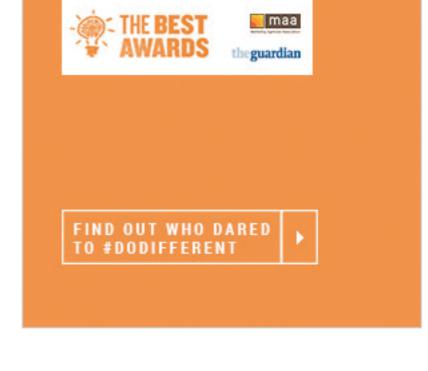
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Richard Kirstein is founding partner of Resilient Music LLP and author of Music

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