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Music Schools: Are We Incubating Excellence?

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Admittedly, I've strayed from the ranch for some time now. I used to be a frequent attendee and participant at MEIEA Conferences—primarily because of my roles as Director of Business Affairs and Vice President at ASCAP/Los Angeles. I enjoyed our frank exchanges on the substance, procedure, and design of “Music School Education,” and was most intrigued with the evolving architecture of music schools’ curricula. I was particularly interested in the emerging attention focused on building music *business* programs. It’s been nearly a dozen years since I last attended a MEIEA Conference, but I welcome this opportunity to revisit some of the controversial topics that challenged us so many years ago.

Notwithstanding the doom and gloom clichés about the impending implosion of the music industry... it *is* very different out here. Not the run-of-the-mill “digital evolution” different. Not even the overwrought “major labels are disintegrating” different. A music business curriculum anchored with traditional Music Business 101 and Record Contracts 101 is so... 1978.

Our music industries—business and creative—are, indeed, undergoing radical, seismic transformations at a breakneck pace. Technological advances lead the charge. Evolving consumer habits run a close second. These are good things. But the executives running our music companies are either unwilling or unable to navigate the sea changes. And our legal and legislative bodies are, unfortunately, years behind any tech or consumer advance. So we look to the wizards at our music schools to incubate next-generation creativity, innovation, leadership, and salvation. Whether the music school environment is “conservatory,” or “business/recording,” the question becomes: are the music schools effective in their mission?

In the last ten years, entire business models have been turned on their heads, and industry stalwarts have vanished, replaced by newbies and start-ups.

- Record labels invest in recordings, and have profited for decades from the physical sales of those “bundled” recordings. The innovative and adaptive labels will recognize that it is the wine inside the bottle—and not the

physical bottle itself—that holds the true value to the consumer. Now that we can go to the iTunes tap (more than three billion downloads served), and pour our own, we will see that record companies will necessarily shed their skin as sellers of physical units, and will re-emerge as media marketers and promotion gurus.

- Record stores, whether they were mom-and-pop neighborhood shops, or national chains (Tower, Peaches, Wherehouse), have been replaced by Wal-Mart and Best Buy as the number one and two record retailers.
- Music licensing in film and television has morphed from a “front-end synch and master fee” conversation, to a sophisticated negotiation involving digital/wireless platform uses, on-screen credit, and an assessment of the potential back-end royalty payments.
- Most of us can now produce a record in our home and post it on MySpace and iTunes, content to market our music throughout the world, on the net, with the help of digital aggregators (Ioda, INgrooves, Big Fish), and look to sell hundreds, or thousands of units.
- Studio musicians and composers are now weighing offers that include work-for-hire provisions, derivative works clauses, publishing assignments, digital royalty provisions, and DVD buy-out offers.
- Congress is holding hearings—and is lobbied by the entertainment industry, as well as by activist technology and consumer groups (DiMA, EFF)—to forge new licensing, access, and royalty provisions for digital and traditional broadcasting.

It’s not your father’s music industry. The landscape has matured, and now includes sophisticated collaborations between the music, technology, consumer, broadcast, public policy, legislative, and intellectual property law communities. It no longer suffices to teach music business students primarily about traditional record contracts, copyright, publishing, and production deals. In today’s creative environment, that’s now tantamount to teaching airline pilots only how to taxi on the runway.

For more than twenty years, I've had the privilege to teach—and hire—countless music business and performance school graduates. I've taken on dozens of interns from the leading music schools across the country in the last several years, and I've hired many of them into full-time positions at my publishing/music services company in Los Angeles. With apologies to many of these very interns, and to the schools that nurtured them, I have been generally disappointed with the fundamental grasp of music business concepts that many of these graduates carry with them into their first job. It's not that I have unrealistic expectations for our music school graduates. On the contrary, I have measured expectations that each student will not only understand the basic concepts of intellectual property, copyright ownership, and royalty streams, but that each student will also have a deep exposure to the contemporary realities of digital distribution, legislative initiatives, and evolving business models which impact our industry.

This is neither indictment nor insinuation. Indeed, I'm aware of scores of committed professors and dynamic, well-meaning music programs throughout the U.S., but somewhere along the bucket brigade, the knowledge passed to the students does not get carried out the front door of the institution, nor into the workplace. I point out the challenges as a means of re-evaluating the music school curriculum, and its architecture for excellence. This is a call for courage on the part of our music and entertainment industry educators to see a bigger picture.

Just as the very nature of the music industry is evolving, the music schools themselves must adapt, evolve, and redesign their own infrastructures. It may not be rocket science, but the melding of our youth's creative, artful gifts with billion-dollar commerce surely justifies more than a primer introduction. We can do better. As educators, we must challenge ourselves to learn—and teach—more.

Our education programs must acknowledge and reconcile that we are grooming artists and executives for a very competitive, very exhilarating professional environment. It's no longer fair or acceptable to train and mentor musicians, composers, or future executives with a "good" education. Whether it is the ten-month immersion program, or the four-year degree program, we owe our students more. The opportunities are greater now. The competition is greater now. The knowledge-field is greater now. The challenges are greater now.

Although I'm primarily concerned with the preparation and training that our music *business* schools are providing their students, the conserva-

tories, as well, are missing an incredible opportunity to better prepare their graduates to more fully harness their own skills, gifts, and opportunities. Very recently, I was addressing an alumni gathering of a prominent conservatory. The credentials and accomplishments of those in attendance were truly inspiring, and yet, these very accomplished, very bright composers and musicians did not know even the basic concepts of how to protect their works, or how to monetize their gifts. When the discussion turned to the opportunities for these young composers and musicians to ply their wares in a film studio or concert environment, their eyes glazed over. They had no basic grasp—much less mastery—of how to value their performance skills, or view them in a market context. They operated, as “performers,” in a vacuum. These gifted musicians brought incredible expertise, vision, and virtuosity to their performance gigs, and yet, they did not know if they were an owner, a contractor, a publisher, or a royalty participant in the final project. Indeed, I was surprised to learn that, with a few notable exceptions, most music *performance* schools neither require nor offer any *business* classes in their programs, at all. Yes, successful artists are represented by agents, managers, and attorneys, but this is no excuse for our students not to learn the fundamental language of music business. There is no excuse for brilliant musicians to attain a profound grasp of music theory and incredible performance technique, only to be taken advantage of in the marketplace. The time has come to realize that four years of classroom *performance* training may not be sufficient for our musician graduates.

At the risk of overstatement, I believe the *\$30 billion per year* music industry is entitled to be taken more seriously by our educators. Not that we’ve taken it lightly, by any means. But we must raise the bar. Our music industries—creative and commercial—may not literally save lives, but we surely advance the world’s culture, and we surely bring light and livelihood to millions. Congressional Hearings, CRB proceedings, the Electronic Frontier Foundation, DiMA, RIAA, NMPA and others are in daily, virtual hand-to-hand combat, fighting to shape the legal, financial, and creative framework of the constantly-evolving music industry. It’s time for our graduates to step into the fray. It’s time for our music schools to take on greater responsibility in training our graduates for a more fulfilling partnership with the industry.

Observations

The following front-line observations about the state of the music industry, and our music schools, form the basis for a reconsideration of the music school curriculum:

- 1) I am fortunate to represent gifted composers and musicians—as well as Fortune 500 companies and their music projects—on a daily basis. And I am surprised, on a daily basis, at the low level of awareness, knowledge, insight, and professional “music industry expertise” that many of these very successful musicians and executives possess;
- 2) There is a daily deluge of stunning new music industry information—technology advances, royalty challenges, revenue opportunities, and emerging businesses—that relentlessly come across my desk via email newsletters;
- 3) There is a surprising lack of transactional music business awareness carried by most music business school graduates and interns into the workplace;
- 4) There is a lack of rudimentary music business awareness carried by most conservatory and performance school graduates into their workplaces;
- 5) The discriminatory and counter-productive “audition requirement” found in many music business programs dilutes the gene pool of those program’s graduates; and
- 6) The oft-repeated statement by my interns during their exit interview: “I learned more here in four months than I did in two years at my music business school.”

A Road Map

In much the same way that music industry executives are tied to their historical business models and corporate culture, it appears that our music schools, too, may be tied to their own historical teaching cultures. An evolving music industry environment demands an evolving music education environment. With all due respect to the holy grails, I offer the following four-part “roadmap” for next-generation music school programs:

Eliminate the Audition Requirement for Business Programs

“Auditions are required. Candidates will participate in an audition including a prepared piece, some sight-reading, and some call and response.”

What is the justification for the audition requirement for *business* students? Does the sophisticated analysis and application of the DMCA truly excel because one can do call-and-response on piano? My cause for concern is based on the qualitative skills of the graduates that I see coming out of our music business programs. The industry seeks to hire rational, analytic, logical, objective operatives. Instrumental proficiencies are very nice but that's not what's going to give our business graduates a leg up in the artful world of music entrepreneurship, deal-making, contract analysis, and global royalty administration. Too often, I have mentored music business school graduates, only to find that they know more about console patch bays and outboard effects gear than they do about registering a composition with the Library of Congress.

Some music business programs have made this realization, but too many others are still in the dark. The audition requirement rightfully belongs in performance programs. It is long overdue for this touchstone to be prohibited from discriminating against an entire *genre* of would-be music executives who seek to pursue a music business education.

Introduce Basic Music Business Education in the Conservatory

We have morphed from the music business to the musician business. In an increasingly non-linear industry, our musicians now have the tools and the opportunities, to perform, write, arrange, record, and tour in domestic, international, and virtual environments. Live concerts, sound stages, recording sessions, film and television scores, video games, and music libraries all present unique venues for musicians. And each of these opportunities presents different compensation and participation options for the performer. Music schools and conservatories offering curricula focused only on the creative, are failing to equip their graduates with base-line survival skills for the marketplace. The introduction of modest business, publish-

ing, and contract education will go a long way in fulfilling the career potentials of our gifted artists.

Establish the Interactive Internship

Our music schools have rightly recognized that internships provide necessary and effective on-the-job experience, enhancing the classroom education. But the music industry is undergoing an incredible metamorphosis, and the pace, rigors, and demands of those changes must be seen up close and personal to be fully appreciated. A one- or two-year interactive music industry internship, with an emphasis on on-the-job training rather than mere employment, will allow graduates to gain invaluable experience in their field, determine if they have an interest in a particular facet of the industry, and create an irreplaceable network of contacts.

The scope and nature of an interactive internship program can be debated, but the need for such an advance is long overdue. The industry needs better-trained executives, and our music schools can take a leadership role in facilitating the placement of their students in a meaningful training environment. The companies, the schools, and the industry would all benefit, and, above all, our graduates deserve a real-world, complete, experiential immersion into their careers.

Introduce an Enhanced Business School Curriculum

With the goal of incubating business excellence, an enhanced music business curriculum can provide the framework for a dynamic, contemporary, relevant program. We can strive to design a curriculum that not only teaches our students about basic music industry operations, but also guides them towards an innovative, solutions-oriented mastery of an evolving business. The core of any enhanced music business program must include some, if not all, of the following:

Music Business Basics

- History and constitutional roots of copyright
- Current copyright law basics
- Public domain and fair use
- Legal basics
- Intellectual property ownership rights: composition and master
- Contracts, deals, and incentives

- Licenses, royalties, and collection societies
- Performance and recording

Music Industry Framework

- Constitutional issues, free speech, and the legislative process
- Legal issues and policy issues
- Traditional broadcasting industry
- Consolidation in the radio industry
- Traditional distribution

From The “Music Business” To The “Musician Business”

- Entrepreneurial and self-directed resources
- Digital recording gear
- The global marketplace: communication, distribution, and sales tools
- Digital aggregators

The New Music Economy

- The restructured economy
- “Control” vs. “access”
- Monetization of creativity
- Next-generation deal-making: revenue, ownership, exposure, and options
- Next-generation record companies: from sales to marketer

Technology, The Internet, and Digital Opportunities

- Internet software, sites, and tools
- Peer-to-peer sites (Soulseek, Limewire, Pandora.com, Last.fm)
- Digital webcasting and digital distribution
- New media and technology applications
- Technological advances (mobile/wireless platforms, blog and podcast marketing)
- Viral network and metadata management

Solutions, Innovations, and Activists

- Compulsory and blanket licenses
- Creative Commons license
- Net neutrality
- The Electronic Frontier Foundation
- Digital Media Association
- Jim Griffin
- John Perry Barlow
- Lawrence Lessig

Digital Resources: Online Updates and News Services

- royaltyweek.com
- Indie 911
- rightscom.com
- melonews.com

Commentary

The advent of digital technologies is but a precursor to continuing seismic shifts in creation, distribution, and commerce in music. Now, more than ever, music schools must deliver on the promise and responsibility to incubate next-generation executives and artists. Now, more than ever, the best and brightest must emerge to safeguard and guide us to higher cultural and creative ground. The political attack on arts funding is just one of our current challenges. The preservation and adaptation of intellectual property concepts, and navigating those rights through turbulent sea changes, is another of our industry's rights of passage. This is an opportunity and it is our mandate.

RON SOBEL, a nationally-recognized entertainment attorney, is President and founder of North Star Media (NSM), based in Los Angeles. NSM is a full-service music publishing, administration, and music services company, with current clients including American Idol/Fremantle Media, Honda Motors, and Fox Sports. Prior to NSM, Ron was V.P./Creative Affairs of ASCAP/Los Angeles, having held various positions at the society over the course of sixteen years. While at ASCAP, Ron was a member of the New Media Council, served as Director of Business Affairs, and signed Lenny Kravitz, Pearl Jam, Alice In Chains, Soundgarden, and Dave Mason, among others. Ron was on the board of directors of the California Copyright Conference for eighteen years, and is a frequent speaker at USC and UCLA.

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The *MEIEA Journal* provides a scholarly analysis of technological, legal, historical, educational, and business trends within the music industry and is designed as a resource for anyone currently involved or interested in the music industry. Topics include issues that affect music industry education and the music industry such as curriculum design, pedagogy, technological innovation, intellectual property matters, industry-related legislation, arts administration, industry analysis, and historical perspectives. The *MEIEA Journal* is distributed to members of MEIEA, universities, libraries, and individuals concerned with the music industry and music business education.

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