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Column: Get That Out Of Your Mouth #28

The Sound of a Hot Kiss and a Cold Beer

Column by Chris Dahlen

Paul Anthony's setting the scene. "You're a director and you're shooting a scene for 'The O.C.' And there's this girl who just hung up the phone, and she's like, 'He loves me.' She turns her head and looks out the window, and the camera pans back and they're like, 'Oh my God, what song is [playing behind] that? How do you search for that?'"

Okay, how *do* you find it? Well, I'm talking with Anthony-- the founder and CEO of Rumblefish-- because he'll help locate the indie artist who has the song that will fit that scene.

Licensing is a crucial sideline for many independent artists. Chances are you listen to a band who's sold a song to a television show, a video game, or any of the other thousands of businesses that need original tunes for their ads, their stores, their soundtracks, or even their "on hold" music. There's plenty of money in it-- but for the vast majority of artists who get into licensing, it doesn't mean anything more than a random check for an anonymous use of their song. A few acts make it big in the licensing business, either because they're steady earners, or because Zach Braff thinks they'll change your life; but far more often, there's no real moral dilemma about "selling out," because nobody will ever know that's their music. They're not the lead actress debating whether to go topless to get the part, they're just an extra picking up a check.

And there's nothing wrong with picking up a check. Anthony spends a lot of time thinking about how independent artists can fully devote themselves to music. He's an evangelist for the artists who can cobble together a good living from their music by skipping the major label system, keeping their copyrights, and then doing whatever it takes to pay the rent-- touring, giving music lessons, and of course, licensing their songs. "To me, the ultimate equalizer, and one of the purest places to work, is licensing," says Anthony. "Because you don't have to be popular. Your band doesn't even have to actually still be living. You just have to have written and captured an amazing song. And you can leverage that moment-- whenever it happened, with whatever artist happened to be in the room at the time-- and enable a living."

Rumblefish has been in the business for 10 years. Like many agencies, Rumblefish runs a website where you can browse the artists' songs. But as of June, it also offers the self-service Music Licensing Store. If you're a registered client, you can go to the site, browse on your own, and license a song on the spot. I tried out a guest account and found it fast and convenient: How quickly you can search depends on whether you know what you're looking for-- by mood, genre, artist, or keyword-- but you can also browse thematic playlists with scenario-setting titles like "Somewhere, South Dakota", "I Am So Pissed at Love Right Now", and "10 Guys + 0 Girls = Sausage Fest".

Once you find the song, you can license it in minutes, without calling a lawyer or an agent. You

just tell the site the nature and budget of your project, and it gives you the price. For example, you can license Mel Torme's "Star Eyes" for a podcast for just \$5; but if you want Coffinberry's "Cruise Control Psycho" for an Xbox snowboard game with a \$3 million budget, it'll cost \$702. And if you wanted Gideon Smith and the Dixie Damned's "Draggin' the River" as the theme for your night-time network soap opera? Get ready to pay \$12,796. The site gives you the price, you agree to pay it, and you've got your digital file, cleared and ready to download.

"We've been talking to our customers and listening to their feedback for years, about-- 'Oh God, I wish I could go into iTunes, and right next to the Buy button, there was a License one.' And a music supervisor told me that once, and I was like, 'Why *isn't* there a License button?'"

The technology isn't new: Production music libraries like DeWolfe Music already offer pre-cleared, easy-to-license music through cross-referenced websites or music-crammed hard drives. But those companies specialize in anonymous library music. Sure, maybe you could settle for a pianist you've never heard of playing in the style of Herbie Hancock; but wouldn't you rather get Gideon Smith and the Dixie Damned playing in the style of themselves?

This is handy for the customers, but as Anthony explains, it has another bonus for the artists: They can drive customers to their music themselves, which makes the site similar to a MySpace or a CD Baby for licensing. But can a self-service model work? There are still advantages to going through a middleman, says Jen Paul, a licensing representative for Jackmusic in New York City: "The thing that does concern me is the absence of a human element."

With a website, you can't negotiate for more money, and you don't have someone holding your hand through the legal mumbojumbo. Working with a representative like Paul also gives you a right of refusal: Rumblefish artists can't pick their licensors. "If you hesitate about a certain type of usage, you should rethink licensing," says Anthony. "You're either all in, or you're not in."

That also saves the licensors from the hassle of finding exactly the right song, only to discover that the artist has some problem with their business. "The last thing we wanted was to make things more complicated," says Anthony.

Searching the website also puts more burden on the music supervisors. To get some perspective, I contacted a giant in the music licensing and A & R business, the Los Angeles-based TAXI, which serves leading music supervisors in Hollywood and elsewhere-- placing everything from indie rock to hip-hop to Hawaiian guitar interludes. Music supervisors are looking for this stuff-- but one thing the music supervisors don't do, founder and CEO Michael Laskow argues, is sit around browsing websites for it. Laskow started TAXI in 1992, and its practice is to deliver CDs to the music supervisors, pre-screened, to give them a small selection to deal with.

"The future is clearly digital. But the future needs a filter," says Laskow. "This is why it's so important for the people on the buying end of this music. They're under tremendous time pressure, and they don't have time to go searching databases and hear a bunch of stuff that's improperly labeled by genre. Nor do they have time to listen to stuff that's pretty darn good. They want to hear the stuff that's incredibly excellent."

Laskow is as bullish as Anthony about music licensing. "I know people that make six figures doing film and TV. I've met a lot of people actually that make \$150k a year doing film and TV placements, and they're 40 years old and they're chubby and they're graying and they're balding, and they're definitely not going to tour, and no label on the planet would sign them. Yet they're making \$172k a year working out of a 10 x 12 bedroom in their house in rural Pennsylvania, because they're making stuff that sounds like contemporary pop hits that you would hear on the

radio."

What if you're on your way to becoming a rock star, and you don't have time to turn this into a business? TAXI will still check out your records, your demos, whatever you've got lying around. And it doesn't have to be a professional 24-track recording: It just has to sound good and fit the scene. (Of course, you pay \$5 for each submission, so you might want to be selective with the 4-track demos under your bed.)

Representatives and agencies like TAXI can narrow down the field for a busy music supervisor. But on the other hand, some music supervisors will always prefer to browse for themselves-- and Rumblefish isn't necessarily fishing for the people who score network TV shows. "There's a lot of ad agencies between Chicago, New York, and San Francisco, and where do they go? Where do all the podcasters go? Where do all the independent businesses that have 10 locations that are trying to do something smart in Walla Walla or wherever, where do they go? And that's what the music licensing store is all about," says Anthony. "You combine that untapped market, that's either used music illegally or always gone to [production] libraries, because they didn't have a choice with our artist members out there telling people, 'License my song! Put my song in your movie! You make independent films? You make podcasts? Click on this link!'"

And to help move the artists, Rumblefish still runs its own music placement business, handling everything from show business customers to the newer field of "music identity branding." This side of the company, which accounts for roughly half of their business, pairs independent music with companies who want to push their brand by associating it with music. They've developed compilations for Pabst Blue Ribbon, as well as branded 7"s that bands could hand out for free-- if they didn't mind the PBR photos on the sleeve. And in 2005 Rumblefish launched a project with Umpqua Bank to sell local music inside the bank locations. That's right, you walk into a bank and buy a compact disc. As Anthony explains, it makes sense for the brand: Umpqua's a community bank, and so it makes sense to sponsor bands from the community.

To run a music licensing business, you have to catalog, package, and process songs in a generic, orderly system-- but what you're selling has to be unique, personal, and creative, to bring its intangible value to your clients' projects. Hollywood music supervisors, ad agency directors, and even the folks who run your local bank show up with a business need, but they choose a song for its emotional appeal-- and also, because some of the hipness of a real rock song rubs off on them. Unlike your average film or TV use, these clients don't want an anonymous artist: They want to attach themselves to a real live rock band. It helps the brand, it helps sales-- and it makes them look kinda "cool."

"Everyone's always going to have a beef with the man, right?" says Anthony. "And regardless of your beef with the man, if the man is supporting great art, it makes the man pretty cool. And it gives the man a heart, and it gives the business a purpose other than turning a profit. And if corporate America is funding great music? What's the harm in that?"