

Composer Marc Mellits

TEACHER NOTES

Learning Objectives

- Understand the competitive landscape of contemporary composition and the inner-workings of self-publication.
- Explain the sources of income for a self-employed and self-publishing composer.
- Recognize the value and limitations of performing rights organizations (PROs) to composers and publishers.

Topics For Discussion

Composing and Self-Publishing

The case details the career of Marc Mellits, one of the world's leading composers of contemporary art music. His decision to pursue composition as a profession was the most difficult decision of his life, but one that has borne great fruit. While many of his classmates took "safe" positions in the academy, Mellits reasoned that he should try to succeed as a bona fide composer before ever re-entering academia as an instructor of composition and theory. His early career spent at major publishing houses would eventually provide experience he needed to publish his own work. Mellits went from composing on the side to composing full time and running his own business.

- Survey whether the students have classmates, colleagues, or friends who are active composers. How do their early careers compare to that of Marc Mellits? Where did these people gain their experience? If they compose full time now, how are their days spent? What is the demand for their work, and what efficiency measures have they taken?
- Following Mellits' success with the piece "5 Machines," the composer found that future commissions were happening soon thereafter. Discuss with the class about how the axiom "success breeds success" can work for composers or performers. What are artists' definitions of success and how can these musicians actively take a role in creating their success?

- Evaluate Mellits' decision to sell his music directly through his website and the steps he has taken to avoid piracy of his works. Encourage students to explore the strongest possibilities for e-commerce that would be well suited to self-publishing composers.
- Publishing houses no longer dominate the production of cleanly typeset musical work. Software (even freeware) is available for the general public to undertake the act of composition. If typesetting is within the reach of all composers today, there still remains the task of printing and delivering music to those who order it. Mellits uses the company Black Ribbon for this service. Poll the students whether they would undertake these activities themselves if they were Mellits and at what point they might outsource the work. Mellits receives an average of two orders per day for pieces, but keep in mind that a single piece might consist of ten or twelve individual parts.

A Composer's Income

The case reveals that Marc Mellits' income is generated from several sources. Not only does the composer generate income from hard-copy sales of his music (ordered through his online store) and from commissions for ensembles large and small, but he also receives regular disbursements from royalties earned from recording sales and performances of his music. He also teaches composition at a university—a major time commitment at present—and occasionally engages in residency activities for summer festivals and workshops. The multiple streams of income represent a kind of “portfolio” for Mellits.

- Gather students' appraisal of Mellits' portfolio. What is the value of the portfolio and what are its risks? How is the composer's energy spread?
- What do the sources of income in Mellits' portfolio say about his values? What might cause Mellits to narrow, expand, or otherwise “re-balance” the portfolio?
- Mellits has always relied on live performances of his music to drive new commissions and online music sales. Live performances of Mellits' music continue to grow, which has positively impacted his activities and sales as a composer, and has proven his theory correct. By the same token, if performances of his music begin to ebb, it could result in decreased sales and commissions. In the context of his existing work portfolio, what could Mellits do to “market” his own work? How could a composer with less success than Mellits personally drive their sales and commissions? To whom would they communicate, what is the message, and through what media might the message be delivered?

Performing Rights Organizations and Short-term Gains

As the case explains, Mellits' music has been doing extraordinarily well in France of late. A recording of his third, fourth, and fifth string quartets has nearly topped the French classical music charts and live performances of his music are expected, particularly by dance companies. Mellits could make himself eligible for the Diapason

d'Or prize by having his music licensed through France's principal performing rights organization, the Société des Auteurs, Compositeurs et Editeurs de Musique, or SACEM. Mellits has been a longtime member of the U.S.-based ASCAP (American Society of Composers, Authors and Publishers), which oversees licenses for his performances worldwide. SACEM has offered worldwide coverage of his music. They will be able to track his French performances more closely than ASCAP and also can consolidate royalties for his recording sales, which come from separate agencies currently in the United States. Of course, Mellits would also become eligible for the Diapason d'Or if he were to sign with SACEM.

- Mellits cannot have his music licensed by two PROs (ASCAP and SACEM); he can however request a territorial release from ASCAP for France and French territories. However, the releases are generally temporary in nature. The case hangs at the moment when Mellits is to propose an agreement with ASCAP and SACEM. Have students present their recommendations under this scenario. Mellits will have to pay a nominal registration fee to SACEM and will almost certainly make several times this amount in return. What period of time is sufficient to reap the full benefit of SACEM's strength in France?
- SACEM has offered Mellits worldwide coverage for his music, an apparent attempt to "poach" the composer from ASCAP. Mellits has been a loyal member of ASCAP for decades. Under what circumstances, however, might he consider a complete move to SACEM?
- Invite the students to examine **Appendix 1**, which details the collection and payment system at ASCAP from the company's website. What are the highlights of this system? What aspects of the system are unexpected? Compare the verbiage on international collection with what was presented in the case.
- It was mentioned in the case that PROs track between one-quarter and one-third of a given piece's actual performances. As representatives for composers and music publishers, PROs in the United States have been lobbying federal lawmakers to modernize outdated licensing systems and to better track performances of works, particularly in the age of digital and streaming media. Ask students to report on the most recent developments on this topic. What rules are being revisited or what new laws have been passed in this area? How is the legislation affecting composers, presenters, and technology companies?