

The Reprise

AFM & SAG-AFTRA IPRDF NEWSLETTER



SEPTEMBER
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ISSUE 2



Terry O'Neal, Julia Waters, Maxine Waters, Laverne Murlowski and Oren Waters



NEW FUND TRUSTEE:
Tino Gagliardi

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Many Shades of Gray

Out and About with the Fund: The Waters Run Deep

by Terry O'Neal, Manager
SAG-AFTRA & Industry Sound Recordings Distribution Fund (SRDF)

The Fund was recently honored by a visit from Julia, Maxine and Oren Waters. Along with their brother Luther, they form the legendary Waters family, whose voices have been heard on more gold and platinum recordings than anyone in the history of the music industry.

They took time out of their busy schedules to participate in the premiere interview for "Out and About with the Fund," hosted by Terry O'Neal, Manager of the newly created SAG-AFTRA & Industry Sound Recordings Distribution Fund. The show's debut, featuring this interview with the Waters family, will be posted on the AFM & SAG-AFTRA Fund website, but we will also share some of the group's background and insights here:

The Waters grew up in a rich musical environment orchestrated by their mother, Lorena, a talented vocalist in her own right. As young toddlers, they studied the cello and classical piano, but each one found that their best instrument was their voice. They started singing in church, school and community talent shows and were encouraged to pursue opportunities to perform in the burgeoning music industry.

The four went from competing for time in front of the hallway mirror to distinguishing themselves as the beautiful voices behind iconic artists such as Michael Jackson, Adele, Whitney Houston, Barbra Streisand, Glenn Frey, Guns N' Roses, Donna Summer, Barry Manilow, Patti LaBelle, Lionel Richie, George Harrison, Ringo Starr, Bobby Womack, Julio Iglesias, Rod Stewart, Bruce Springsteen, Jon Bon Jovi, Teena Marie, Christina Aguilera, Joe Cocker, Celine Dion, B.B. King, Carlos

Santana, Dolly Parton, John Fogerty, Don Henley, Paul Simon and many others.

Oren laughed as he stated their family slogan, "If you want a hit record, just add Waters!"

In addition to recording, they found the desire to perform live as complete entertainers. The four individually and collectively have toured with the likes of Wayne Newton, Patti LaBelle, Paul Simon and Neil Diamond.

The Waters family credits also extend to film and television productions such as Avatar, The Lion King, Forrest Gump, Happy Feet, The Matrix, Rise of the Planet of the Apes, Ace Ventura, Rocky 1, 2, & 3, The Color Purple, Beverly Hills Cop 1 & 2, and TV's Women of Brewster Place, Rosewood and much more.

After their many accolades, (such as receiving the prestigious Ella Voice Award,) the Waters' passion still remains. They are dedicated to enhancing the listening enjoyment of music lovers all over the world. To this day they continue to record several sessions each week, supporting featured artists to bring out the very best in the songs they sing.

"We're gonna give you some blood and make sure it's everything that it can be," Oren said.

Given all the work that The Waters have done, they are especially appreciative of the Fund and the work it does on a daily basis for non-featured vocalists and musicians. They praised the staff for their work researching credits for songs, even those they had forgotten they had performed on. They shared how important

these royalties have been for them and others, helping them to continue to make a living in the performing arts. They also stand in support of efforts to see that the "Fair Play Fair Pay Act" becomes law, and that performers can be fairly compensated for AM/FM radio airplay.

Oren said, "A song may be three minutes long, but it took much more than three minutes of work. You reach deep to make it happen. A lot of times we stayed in the studio after everyone else went home to make sure that the music was right. It takes dedication and stick-to-itiveness."

This dedication to their craft has led to success across the field of entertainment. The Waters have contributed to the five biggest events in what could be called the Music Industry Guinness Book of Records: 1) The biggest selling album of all time - Michael Jackson's "Thriller;" 2) The highest grossing soundtrack - Whitney Houston's "The Bodyguard;" 3) The theme song to the longest running sitcom in the history of TV - The Jeffersons' "Moving On Up;" 4) The highest grossing movie - "Avatar," where they contributed unique sounds of the alien planet Pandora; and 5) The most played record in the history of radio - The Righteous Brothers' "You Lost That Loving Feeling."

Be sure to visit the AFM & SAG-AFTRA Fund website to listen to the entire interview with The Waters:

<https://www.afmsagaftrafund.org>



From the Editor-in-Chief

by Shari Hoffman, Chief Operating Officer
AFM & SAG-AFTRA Intellectual Property Rights Distribution Fund

For this second issue of *The Reprise*, I am thrilled to report that the Fund has had a banner year and is

expected to surpass last year's distributions by nearly \$35M. With the upcoming audiovisual payments later this month, we anticipate a record year totaling just under \$60M.

The Fund is a team of 66 and growing, complemented by Sound Recording, Audiovisual and Symphonic Divisions all devoted to research, collections and distributions. Our recently launched International Compliance Division maintains foreign collections and allocations and represents our

international interests. In fact, the recent Sound Recording Distribution reflected a number of gains including improved reporting reflected on the statements for that distribution. The Fund's hands-on Participant Services Division serves the needs of our Participants by accurately and courteously responding to participant telephone inquiries, live chats, e-mail inquiries, and in-person visits. Our Legal Affairs Department includes a team dedicated solely to servicing the beneficiaries of deceased performers, and there are countless others on staff who manage the day-to-day operations to secure royalties for you. Suffice it to say, the Fund would not be what it is today without this dedicated group, most of them fellow performers themselves. Their progressive sleuthing in locating and identifying performers, and proficiency for collecting and distributing remuneration from a variety of worldwide sources have provided measurable results. As the newly appointed Chief Operating Officer of the Fund, I could not be prouder of this ensemble, and I'd like to personally express my gratitude to each and every one of the team!

But ... there's a but. Through this newsletter, our website, entertainment industry web pages, and recurring ads in numerous trade publications, the Fund performs widespread outreach in order to locate performers that are due royalties. We also attend industry events and trade shows across the nation such as SXSW, the ASCAP I Create Music Expo, Comic-Con, the NAMM Show, and Grammy sponsored presentations both as exhibitors and panelists. And here's the "But"... it is still not enough. The Fund needs your help too.

We still have a rather large list of performers with unclaimed royalties. Sometimes we can identify a performer, but simply cannot gather valid contact information. Other times, we only have a name and know nothing more. Even with the initiatives I mentioned above, and our enrollment with sophisticated tools such as the Social Security Administration and Lexis Nexis, we simply cannot track down every performer. Consequently, I encourage all of you to reach out to your fellow performers

to see if they know about our Fund, and if you or they know someone listed on our website's "Unclaimed Royalties List."

Also, I cannot emphasize enough the importance of reviewing materials that accompany your distribution checks. For example, our April sound recording distribution included an informational insert pertaining to foreign royalties. There are international laws in place governing several foreign CMOs (Collective Management Organizations) that provide a higher remuneration to performers on sound recordings who were born or resided in a Rome Convention country, or if that sound recording took place in a Rome Convention country. The Rome Convention countries are Argentina, Austria, Belgium, Bosnia-Herzegovina, Brazil, Cambodia, Chile, Denmark, Ecuador, Finland, France, Germany, Iceland, India, Ireland, Israel, Italy, Lebanon, Mexico, Monaco, Paraguay, Serbia, Montenegro, Spain, Sweden, United Kingdom. As a result of so many of you completing and returning the insert, foreign collections are expected to rise.

Lastly, passage of the Fair Play Fair Pay Act of 2015 will cause AM/FM radio stations to pay performance royalties for all the music they air under the same rate standard that governs Internet radio today. This will dramatically increase royalty collections for the Fund, both domestically and abroad, placing more earnings in your pockets. Every letter of support which reaches your congressional leaders is considered to represent 100 voters. Please sign up today at http://musicfirstcoalition.org/fairplay_for_fairpay.

Next time this year, I hope to report that we have made even more significant gains, and that the U.S. is no longer among the rogue nations providing substandard protections for the rights of its performers (or at least further on the path to passing the Fair Play Fair Pay Act.)

The Reprise

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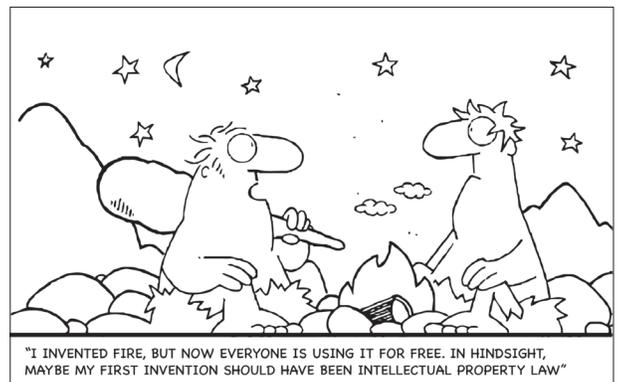
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Intellectual Property Rights Distribution Fund



From the Help Desk: Direct Deposit - The Musician's Friend

by Colin Gilbert, Associate Director, Participant Services, AFM & SAG-AFTRA Intellectual Property Rights Distribution Fund

Has this happened to you? You come back home from a long tour and after decompressing for a day or two, you decide to go through that intimidating stack of mail you've been avoiding. There amid the flyers, bills, and Bed Bath & Beyond coupons is a large envelope from the AFM & SAG-AFTRA Fund, and low and behold there is a check inside. An actual check! Then you read the fine print stating, "stale dates after 90 days," which of course happened to be the previous Tuesday. Don't let this happen again. Sign up for direct deposit now! Quit putting your check away in that safe place you can never find. Sign up for direct deposit. Don't hear from your band mates that they have been paid, while your check is lost in the mail. Check reissues can take up to

6-8 weeks to receive. Sign up for direct deposit, and get your royalties the first day of every distribution.

It's easy. You can find our direct deposit form on our website at www.afmsagaftfund.org. Under the "Resources" tab, click on "Forms." If you are unable to print out the direct deposit form, simply call our participant services department at (818) 255-7980 ext. 411, and we will send you a direct deposit form by mail, e-mail, or fax.

It is important to note that we require a copy of a voided check with the form if you are setting up direct deposit for a checking account. If you wish to deposit your check into a business account, we will need a letter of direction stating you would

like your royalties going to your business, as well as a W-9 form for that business. Unfortunately, we are only able to direct deposit into banks within the United States.

You will still receive your statement in the mail, unless of course you sign up for "private access" on our website, and choose to "go paperless." With "private access," not only can you see all of your past statements from the fund, but you also get to see your latest distribution statement just prior to the actual distribution. And by the next "Reprise" edition you will be able to do a host of proactive things with "private access" to make it easier to insure you are maximizing your royalty collections.

Which brings us to next issue's article to look forward to: PRIVATE ACCESS AND THE JOYS OF GOING PAPERLESS!

All future editions of "The Reprise" will be in digital form only.

In our effort to "Go Green" this will be our last printed edition of "The Reprise".

Please go to our website (www.afmsagaftfund.org) to make sure your contact information is current. Receive "The Reprise" in your e-mail and help save the planet.

Sound Recording Research: Many Shades of Gray

by Lavonne Murlowski, Senior Research Associate, AFM & SAG-AFTRA Intellectual Property Rights Distribution Fund

Researchers in the Sound Recording division have the responsibility to identify the non-featured performers for each song paying royalties from digital and satellite radio play. If we have liner notes that list each session musician and backing vocalist by song and we obtain session contracts that match that credit breakdown, we can confidently enter the correct participants for that title. The result is black and white. However, more often than not, we research to find various, possibly 50 or more, shades of gray!

We have general guidelines to follow and each researcher has a music-related background to utilize. We rely on a variety of reference books, websites, business contacts and union offices to identify the true participants on a recording, but sometimes we cannot positively identify any or all of the contributors.

Research is often a string of mysteries to piece together with our song sleuthing skills. Below are just a few examples of the challenges we find:

Mystery 1 – Which version of the song is due royalties? We are provided a source album for the song, but if it is a single,

live recording, remix or alternate version, it may not contain the same participants as credited on the studio album.

Mystery 2 – Who is the featured artist or group? U2 has had the same lineup since they started recording. Most groups have not. Is the new drummer a featured member? Some featured artists use names that sound like a group, but are actually a signed solo act with hired musicians. Others may be named after a solo artist, but have collaborators who share in featured royalties. Each artist or group requires dedicated research for each release to make these determinations.

Mystery 3 – Who is non-featured? Documentaries such as "The Wrecking Crew" and "20 Feet from Stardom" have highlighted a few of the unsung heroes of the recording industry. Many singles and albums were released without giving credit to the studio performers and some even credited group members who were not involved in the session recordings at all.

Mystery 4 – Who are you? In best case scenarios we have union contracts with a social security number to ensure we enter the correct participant for a recording.

Often we can match common names based on the instrument played or the location of the recording. The web helps us find real names to go with recording aliases, but that information may not have been available at the time of the original research. An address at the time of recording needs to be updated for a current royalty check to find its way.

To clear the gray, we encourage each musician and vocalist to be their own advocate to receive all royalties due. We recommend you spend time on our website where each title that has paid royalties and each participant entered for a title is listed:

<http://www.afmsagaftfund.org/soundrecording.php>

If you find yourself or others you know missing from a title, please submit an "Online Inquiry Form" and we will work with you on documenting corrections to update our research. The more you document your sessions and stay involved in intellectual property rights initiatives, the more rewarding the growing royalties available to you will become.



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New AFM & SAG-AFTRA IRPD Fund Trustee: Tino Gagliardi



AFM & SAG-AFTRA IPRDF Executive Director Dennis Dreith, Chief Operating Officer Shari Hoffman, Trustee Tino Gagliardi, and Symphonic Division Supervisor Jennie Hansen at the recent ICSOM Conference in Washington, D.C.

AFM Local 802 (New York) President Tino Gagliardi has been appointed to the Board of Trustees of the AFM & SAG-AFTRA Intellectual Property Rights Distribution Fund. American Federation of Musicians (AFM) International President, Ray Hair, made the appointment of Gagliardi to fill a vacancy left by the departure of former AFM Secretary-Treasurer and Fund Trustee Sam Folio. Gagliardi will join the Board, consisting of 3 Trustees from the AFM and 3 from SAG-AFTRA, whose responsibilities include setting policy, overseeing and approving the budget, and general oversight of the Fund. Gagliardi brings a plethora of experience to this position, having been a busy New York trumpet player who worked in Broadway theaters, concert halls and recording studios. Prior to becoming the President of Local 802 in 2009, Gagliardi, who also serves on the AFM’s International Executive Board, was Chairman of the Broadway Theater Committee, Secretary of the New York Chapter of the Recording Musicians Association, and a member of the Local 802 Executive Board.

The Fund welcomes Tino and is looking forward to working with him for the advancement of performers’ rights worldwide.