

THE FUND: AFM & SAG-AFTRA IPRDF

It Has \$50 Million to Pay Out. Is Some of That Money Yours?

Imagine receiving money—money you once earned—that you never knew existed.

Many artists find themselves in exactly that position when they're contacted by The Fund. Indeed, some are so shocked they suspect it's a scam. But in fact, The AFM & SAG-AFTRA Fund (aka The Fund) is a nonprofit organization that pays session musicians and background vocalists for their performance on recordings that appear on satellite radio, webcasting and other digital formats.

Officially called AFM & SAG-AFTRA Intellectual Property Rights Distribution Fund (a mouthful for sure), The Fund's mission is to collect money owed non-featured artists pursuant to U.S. Copyright Law for digital broadcast (e.g. web casting, subscription services) of their performances and royalties



DENNIS DREITH

stemming from agreements with foreign collecting societies.

The Fund focuses on payments from three areas: (1) Sound Recordings, (2) Audio-Visual productions in select foreign markets, and (3) Symphonic, Opera and Ballet concerts. Notably, those payments can sometimes be significant, i.e. five to six figures.

Because many artists have no idea The Fund even exists, *Music Connection* contacted Dennis Dreith, The Fund's Executive Director, to discuss the organization's operations and to see how our readers could benefit.

Music Connection: Most of us know about Performing Rights Organizations (PRO's), like BMI, ASCAP and SESAC. What is the difference between The Fund and those PRO's?

Dennis Dreith: Most PRO's pay songwriters and publishers. We pay performers, non-featured artists like session players and background singers. We also pay featured artists for audio-visual uses in foreign markets (i.e. song placements in film, television, etc.).

MC: Why are so many artists not getting the royalties they're entitled to?

Dreith: They may not know they even exist. Additionally, some royalties are based on work they did years ago on projects they might have forgotten about. But, most often, artists will move and leave no forwarding address. And, if they don't have an online presence with contact information we have to search for them in order to pay them.

MC: Do artists need to be union members to receive royalties?

Dreith: No, union membership is not necessary. The only exception involves foreign royalties. Certain foreign markets require union membership. You can find who they are on our website.

MC: How can artists find out if they're owed money?

Dreith: Go to our website and check our list of Unclaimed Royalties to see if their name is listed there. Performers should also check our "Covered Recordings" list to see if there are recordings on that list that they are on, but not credited for.

MC: What if a player is not properly credited on a recording?

Dreith: The website contains detailed instructions on how to make a claim for any covered recording from which you are



STACY BARTHE

"When I saw the amount [of the royalty check] I was like, 'I thought this was gonna be for a few dollars—not thousands!'"

omitted. Our Participant's Services staff researches each claim received and relies on any reasonable documentation (including affidavits from a producer or other performer on the session) to validate credits.

MC: How many recordings do you cover a year?

Dreith: We research a minimum, 20,000 recordings a year, often more.

MC: The Fund obviously covers recordings from major artists, but do you also include indies?

Dreith: Yes, we cover smaller names and genres, including independent artists. The only criteria is that a recording must be broadcast in some manner. A broadcast creates payment by way of statute or licensing arrangement.

MC: How are payments determined? Is there a formula?

Dreith: Most are statutory royalties with rates set by an independent panel of judges. Others are the result of the rates set by the regulatory agencies in the foreign territories where we have agreements.

MC: How much money do you collect each year?

Dreith: The Fund collects approximately 50 million dollars a year.

MC: How long do these royalty payments last?

Dreith: Royalties last as long as the song is played over digital broadcasts/webcasts. With classic songs, that could be forever.

MC: The Fund supports the "Fair Play Fair Pay Act." What does that involve?

Dreith: Currently, U.S. performers do not get royalties for airplay on AM/FM radio. That is not the case in other countries. The Fair Play Fair Pay Act would provide for those (performer) royalties in the United States and consequentially open up a floodgate of neighboring rights royalties in foreign territories.



JAMES LEE JAMERSON

MC: Can you give examples of artists who were surprised to find out they were owed money?

Dreith: There are many, but two recently occurred that I can share. Several years ago, Stacy Barthe sang on a Frank Ocean song, "Thinkin Bout You." She had no idea who we were when we contacted her. In fact, she thought it was a scam. We finally convinced her to come in, verify her information and get a check.

Another involved James Lee Jamerson, a bass player with the Funk Brothers who played on many classic Motown hits. He died years ago, but his widow was still alive and living on Social Security. We tracked her down and paid her the royalties her husband had earned. With those royalties she now lives more comfortably.

MC: Those are great stories—where do I sign up?

Dreith: Go to our website, and make sure you check to see if you're owed any royalties.

Check it out at afmsagaftarafund.org