

spottingnotes

GUILD OF CANADIAN FILM COMPOSERS

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MAXIMIZING YOUR RELATIONSHIP WITH SOCAN

BY GREG FISHER AND DEREK TREFFRY

We here at fish-fry started our careers as media composers in a less conventional way than most. We honed our composition and production skills, and one day just “decided” to provide music for TV, film and advertising before really knowing a single soul in the industry – neither client nor competition. When we made that decision, we had very limited understanding about public performance rights, publishing or SOCAN. Subsequently, we had to spend time as we developed our business figuring out all the complexities of our industry.

We didn't fully realize what we were committing to when we signed up with SOCAN. In hindsight, we never would have imagined how important our relationship with them would become. Over the course of this two-part article, we will share what we've discovered over the years. Hopefully, our experience can help you maximize your relationship with SOCAN.

The SOCAN website (www.socan.ca) is a great place to get to know the organization and what it can and can't do. The first thing we discovered was that as composers, SOCAN is our society and we are all stakeholders. They advocate for our collective interests. Thankfully, years ago, senior members of the Guild embraced this idea and sought to become elected for positions on SOCAN's Board of Directors. We also found that as members, there is a national team of member services staff ready to help with all queries both general and specific. In addition to a toll-free number, there is also a form on their website where detailed queries can be initiated via email.



The first thing we discovered was that as composers, SOCAN is our society and we are all stakeholders.

Once we had a general understanding of SOCAN, the next step was to familiarize ourselves with some of the more specific things that help them help us. One of the most important documents referenced in queries is the cue sheet. Every production performed publicly should have

one. Every composer agreement signed for a production should include details about it. It might be an easy thing to overlook, especially early in one's career since it isn't part of the obvious “up front” transaction of money paid for composer's services.

Producers are not directly, legally bound by SOCAN to submit

cue sheets. If they do file cue sheets, there's no guarantee that you will be able to approve them unless those provisions are made in your agreements. The GCFC model contract provides great language (section 9.1 and 9.2) about cue sheets.

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VIEW FROM THE PODIUM

BY CHRIS DEDRICK, PRESIDENT

YOU CREATE YOUR OWN ECONOMIC REALITY

How will the “economic crisis” affect today’s media composer? And how will the composer affect the economy?

Maclean’s recently had a picture of a shoe (should’ve been a boot) symbolizing the predicted release of some 250,000 Canadians from their places of work this year, sending them into an over-crowded pool of people hunting for work. The recession of the early ‘90s saw over 350,000 lose their jobs, but today’s situation has more sting for some fairly profound reasons.

First: Although bound to happen anyway, the trigger was what some would call criminal politics in the



US: deregulation that allowed and encouraged gambling with credit and trading debt without responsibility or accountability, let alone wisdom. Second: We’re faced with the retooling or demise of a whole industry as we’ve known it (the folks who shunned the first horseless carriages may not look so backward in the longer view). Third: The world is looking at its number one super-power just about to make a monumental shift in direction. Fourth: Pollution has caught up with polluters to the extent that perhaps a majority of the people involved in the economy hold some “new age” viewpoints. Fifth: Far too many citizens are getting sick before they get sick and tired of working and wish to retire. And the medical profession has just become, so I’m told, the number one killer, ahead of heart disease and cancer. Think of where we are, historically!

Obviously, I’m not expert in any of this – just another composer taking it all in and wondering how it will effect me and wondering what to do

about it. Mentioned in the *Maclean’s* article are a number of books, several hot off the press, which tell you how to survive in the difficult times ahead. Check them out. Here’s my story:

It was during the last recession that my career in media composing took off. Certainly not because of the times, but because everything comes in waves, and (just like in the symphonic string section) everyone’s waves don’t match. We have to learn to recognize these ups and downs and

understand what to do with them. Why don’t we see them clearly? The news media makes us believe that we’re all in the same boat. We’re not. Consider fasting

 **We have to learn to recognize these ups and downs and understand what to do with them.** 

from news consumerism. It’s a very mesmerizing force that blocks out your intuitive ability to hear opportunity knocking.

What was I doing as the last recession swooped down? Making demo reels and taking them around to every production house I could find; calling people I knew and people I didn’t know, giving them reasons to try me out on whatever they were working on. Some of these calls went badly, showing my lack of knowledge about the business. Such a short time ago, and yet I didn’t have the internet as a research engine to make me an instant industry expert. But a few calls landed gigs at various levels, and the energy that went into this promotion often came back sideways – from unexpected places.

Soon I won my first Gemini award. I received a call from a very respected composer, congratulating me and letting me in on something I hadn’t known. He had landed and then lost

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6-PACK OF QUESTIONS

M. SCOTT GRAHAM

WITH MIKE FREEDMAN

M. Scott Graham is currently the office manager of a small law firm in downtown Toronto. He worked for the Canada Revenue Agency for ten years before moving to the chartered accounting firm of Clarke & Horner. Mr. Graham also owned a music store in the Brampton area where he served up some great keyboards and had a small analog synthesizer collection for customers' use. He continues to dabble in the synth world and has prepared taxes for a broad range of clients with a majority of his clients being musicians for the last 15 years.

1 As composers, how “creative” can one be when it comes to filing income tax returns?

When filing your taxes, it is important to know how to integrate the categories into real life scenarios. This ensures that as a tax-paying citizen, you maximize the amounts you are allowed to deduct from your income (within the confines of the law) in order to pay the least amount of tax possible. Not evading tax but avoiding tax.

2 What are some of the basic expenses that composers can include at tax time as a write-off in order to offset their expenses?

Here is a short list of the items one may include as business expenses:

Advertising	Office Expenses
Automobile expenses	Supplies
Bank and Interest Charges (include all bank charges)	Travel
Dues/Memberships	Telecommunication (cell phone, internet, phone cards)
Delivery/Postage	Resources (magazines, movies, books, DVD rentals)
Insurance	Studio equipment and musical instruments
Maintenance/Repairs	
Management or administration fees	
Meals/Entertainment	

3 Since many composers work from home, what home expenses can be included?

Here is where you pro rate your home expenses for your business use. Partial deductions cannot be made for use of your dining room or kitchen. Your business space must be separate and apart from the rest of your home and should have a door on it in order to help denote this aspect of the space.

Here is a list of the main items to include:

Property Tax /Rent/Mortgage Interest (no principal)
Hydro / Gas / Water / Cable / Insurance / Other
Maintenance/Repairs

Interestingly enough, you are allowed a one time landscaping fee. Also, direct repairs to the office area are also eligible.

4 What is the difference between being incorporated and a sole proprietor?

As a sole proprietor (or a partnership), the business can be as large as you want (like a corporation) and the differences come down to a two things:

Liability issues: Since a corporation is a separate entity you would be limiting the liability of the owners of the company. If you were to be sued, the corporation might have to sell off some of its assets to pay the costs, but you wouldn't necessarily have to give up your home. Also, most people would not put their personal assets into a corporation.

Taxes: In both cases, an income statement and balance sheet would be prepared. However, for the sole proprietor or partnership, copies would be entered and attached to your personal income tax return. For the corporation, you must prepare a federal T2 Return, provincial CT23 Return and then you will become an employee/shareholder so a T4 or T5 Return with slips is required.

In either case if you have employees, T4s will need to be prepared. Usually, there is a much higher cost for a professional to prepare these extra corporate returns.

5 Composers incur a lot of expenses when purchasing musical equipment. What is depreciation and how can composers utilize this at tax time?

If you spend more than \$300 on an equipment purchase for your business, you will probably have to “depreciate it over time” as it has a life expectancy of more than one year.

In the first year of depreciation, only half of the normal amount of the depreciating rate is allowed. Therefore most people will hold off on their major purchases until the end of the year.

6 What is a GST number and should composers be including GST in their billings?

A GST number or account with the CRA must be procured when the business reaches income of \$30,000 in a year. The amount is not cumulative and is on a per year basis. GST is chargeable on all goods and services once registered. ■

CELEBRATING SUSAN ALBERGHINI

BY LUCILLE JOSEPH

Lucille Joseph is a member of the Kenneth G. Mills Foundation and Chair of The National Ballet of Canada



It comes in focus briefly
like a long-awaited solar eclipse
A moment when the well-defined
structures of form and thought
Give way to an unexpected view –
A dear and good friend becomes a radiant wayfarer
Everyone feels a sacred presence
and the white knuckles of the hands
that have anxiously gripped the slippery pole of
believing-it's-this, or believing-it's-that
Regain their colour of relaxed flesh and blood
The world regains its right to describe itself and –
It is indescribable
We call this a “passing away,” this birth-in-reverse
We weren't – we are;
We are – we're not... Really?
The soul presence more than fills the void
left by this magical disappearing act
Joyful celebration and the deep pain of grief
join hands and spin like dervishes
As the backdrop of a familiar life situation
dissolves like salt
We recognize the worth of one person
Can we feel our own?
We resonate with the inner work that has been done
We would like to do likewise
quickly before the eclipse passes
and the wheel of rampant thought
claims our attention and scatters it
To the four corners of our world concept
of our self concept
While Susan sets the table
in her own time
While Susan plays the flute
another note, another line
A cadence so romantic by a string quartet
At once a pretty girl
a woman of the world
Forever in style
her elegant smile
Beckons us to love the one we are
and never to forget.

Float and dance with the archangels of music
and art, dear Susan!

Christopher Dedrick
January 26, 2009

A celebration of Susan's life begins with the word *elegance*. A beautiful and graceful woman, Susan embodied elegance not only in her appearance but in every aspect of her being. I remember first noticing Susan at Muskoka's Sun-Scape Inn in the 1970's. I was a 19 year old from Toronto, and to me, this elegant New York woman was the most sophisticated and polished creature I had ever laid eyes on. I could not have imagined then that as the years passed, and the age difference became inconsequential, our friendship would grow and evolve and last her lifetime.

Susan traveled from her home in New York to Florence Italy in the 1960's on a Fulbright Scholarship to study art at the Uffizi Gallery. Italy represented everything Susan aspired to as a young woman embarking on her adult life. In Italy she found her vocation in arts administration, her husband Pier Paolo, and a place she loved so much that her many friends came to think of her as Italian. In the 1970's, Susan and Pier Paolo moved to Toronto after coming to know Canadian philosopher Kenneth G. Mills who became their lifelong mentor and friend. They shared their love of Italy with Dr. Mills and made several trips together over the years. I believe that these trips were the high point of Susan's life experience: with Pier Paolo and Dr. Mills in Italy, immersed in art, music, language, good food and wine with friends and family.

Whether in Italy, New York or Toronto, Susan was the embodiment of style and was the consummate hostess and the consummate guest. If you wanted to have a really special occasion, all you had to do was invite the Alberghinis. Their presence, warmth and vitality lit the room. A frequent dinner guest of Dr. Mills, Susan and Pier Paolo followed his example by hosting many dinner parties around their dining room table – which, by the way, seats fourteen. Susan had her own inner rhythm and truly lived her life in the moment. She savored the richness of the

present and avoided the scattered thinking and frenetic pace that consumes so many people today. We often worked together on volunteer projects including Star-Scape Singers tours and concerts, Patrons of Wisdom, Dr. Mills' memoirs and most recently, the Kenneth G. Mills Foundation where Susan subsequently became President. Susan's eloquent and unique use of language, especially in her writing, was her indelible signature. In her writing and in all of her professional work, she managed to combine an artistic nature with great strength, resilience and practicality. She could be transported in a moment by art, by a phrase, by an idea, by music, and by feeling; and the next moment be the one with the awareness and the professionalism to anticipate and solve the next issue, and to look after all the details. To simply get things done.

The Kenneth G. Mills Foundation was the privileged beneficiary of Susan's leadership and dedicated work in the last years of her life. While President, she managed to make each one of us as board members feel that she was sensitive to, and cared particularly about our individual ideas and interests. In meetings her gracious and considerate approach fostered harmony and balance. She worked tirelessly for the Foundation. Even when she was ill over the last few years, she could not be persuaded to stop. It was her love and it nurtured her. Her loss to the Foundation is immeasurable. But most of all, is the loss to each one of her many friends, and most especially to her husband of 40 years and constant companion, Pier Paolo. Pier Paolo, our hearts go out to you, and know that you have many friends who embrace you in the family of love, and will never let you go. ■

STATE OF THE UNION

LUNCH WITH BILL SKOLNIK, PT 1

VICE PRESIDENT FROM CANADA, AMERICAN FEDERATION OF MUSICIANS
OF THE UNITED STATES AND CANADA

Spotting Notes recently sat down for lunch with Bill Skolnik for a candid talk about the industry.



Darren Fung: *Let's talk about the AFM in Canada, ten years ago where was and the journey to where it is now.*

Bill Skolnik: Well, it actually hasn't changed that much in ten years. One of the differences is that we have a bigger guarantee from the CBC. I would say that the CBC is much more respectful of their agreements with musicians and composers. But in terms of being able to make big inroads, the CCPR (Canadian Content Production Rules Agreement) is one that we have been very pleased about. We have certification under the Status of the Artist now, like the GCFC, where we have been able to represent all musicians, not just those who are our members. Quite frankly, we've had governments that were much more supportive of the arts and our public arts institutions like the NFB, CBC, TV Ontario and Access. It's a gradual erosion of support for the arts. Not just the AFM. I think all artists are suffering.

DF: *You talk about the government. What are some of the challenges you've had with them compared to the previous administration?*

BS: It has not been good, even with the Liberals. The biggest challenge is dealing with our members getting into the United States to work, and the difficulty and time it takes for Canadians. It takes up to 90 days, unless you want to pay a \$1000 expedited fee. The playing field is not entirely level. An American band can walk into Canada to record a film score, which isn't bad, but I wish it were like that for our people. I wish it was free trade across the borders with artists, but it is not. That began with the Liberals and it hasn't changed with the Conservatives, if anything it is a little worse. A great change is that we now have a composer/arranger/performer, Senator (Tommy) Banks, in the Senate!

DF: *It's interesting that you mention Senator Banks. Admittedly, I am a bit of an amateur policy wonk, but the whole censorship thing was very engrossing. To show you how big of a nerd I*

was, I actually got Senate transcripts every morning, and would read what Senator Banks would say, because he got it, and there were so many who just didn't.

BS: The biggest problem with C-10 is that censorship is a moral problem and an issue of freedom. But there were problems with that bill that had to do with financing. I would say that the Conservatives are less inclined to view artists as serious, hardworking people. It always amazes me that in the public or political view, we are undisciplined. Who is more disciplined than someone who gets up in the morning and has to write for 5 hours or 6 hours or has to practice? And they have to do this in order to pay their mortgage, to put their kids through university, daycare and buy themselves private health plans. Who is more disciplined than somebody who works on their own for their own living? It is unbelievable to me. I was a freelance player and composer for 18 years and when I went to work for the CBC, a "real job," it was a vacation compared to my life as a musician and composer. Imagine, getting paid for holidays!

DF: *Let's talk about some of the key struggles and victories that the AFM has fought. Looking back ten years, what should or shouldn't we have done?*

BS: I think the CCPR has been revolutionary. Our colleagues in the United States, mostly in Hollywood, resisted it and it is still being resisted today. The CCPR has recognized the Canadian Film Industry and has provided an agreement that gives production companies, (TV included) and composers the type of unfettered use of music that was required to compete in the world and to get distributors to circulate their project. It has been an enormous success, much bigger than we anticipated and it is growing.

Another victory for us in Canada was the belief that we didn't need a Recording Musicians' Association, or a Theatre Musicians' Association. Both organizations are part of the bigger umbrella of AFM, and both had significant active

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chapters in Toronto that folded. Members found that the big locals were able to provide the type of representation that needed, and they realized that they didn't need to pay double dues.

Going back to the CBC, and one of the biggest changes there is that we don't meet with the people in production anymore, we meet with the people who deal in human resources and business. Therefore, I'm not sure we deal with the people who truly understand production or more importantly, understand the sensibilities of art.

DF: *What would you have like to have done differently over the past 10 years?*

BS: I would have liked to be more aggressive. We still don't have an agreement with the film industry itself, like the actors do. We do not have an agreement with CFTPA (Canadian Film and Television Production Association). Our American counterparts who oppose the CCPR are always telling us that Canadian musicians have never ratified our own film agreement. And they claim that it is not supported because of that. Of course, in order to have a ratified agreement, you have to have somebody on the other side. We'd love to do that. We would love to get it out to the players because we know that the ratification would be damn near well over 90%, and we would like to prove that. We would like to get agreements with all the major networks as well.

DF: *You talked about how the CCPR and how it was a struggle to get support from people in Los Angeles. They were defensive about their decision, and there was tension between Canadian and American members. Is that indicative of the relationship that you have under the larger AFM umbrella?*

BS: Yes. There are great advantages to being an international organization. I say organization because we really aren't a union in Canada. Although we have voluntary recognition, we aren't a union for a number of reasons, such as taxes and the way artists are legally perceived here. But we are a union in the United States and there are great advantages. For example, even though we think it is taking far too long for musicians to get into the U.S., the fact that we have this connection through the AFM in the United States means that we can get people across the border. We can manage it, and it is a negligible cost. To have an immigration lawyer do this for you would be a huge expense. People in other unions, such as performers, don't have this advantage. On the other hand, there has never been an understanding of Canadian culture by the Americans.

DF: *What do you mean by that?*

BS: We'll look after you, but you're really not that important in the scheme of things, you're just Canada. There are requirements for which we ask to be exempt. A perfect example is the notion in the Motion Picture Agreement for what they call low budget films. I mean the criteria is a maximum budget of \$40 million USD! *Paeschendale* is the most expensive Canadian film produced to date, and that was \$20 million.

Another thing was when we introduced French. The third largest local in the AFM is the Montreal-Quebec local. It represents about a third of our membership. A hell of a lot of those people (which shocks Americans) couldn't read their own union newspaper or anything from us. So we changed that and started publishing portions in French. It took me a year, just so people could feel they were part of it. And I'm very proud of that.

DF: *You talked about the benefits of being an international organization. What are some of the benefits of staying with the Americans? Why wouldn't the AFM of Canada break away and say we are the CFM?*

BS: We couldn't provide the type of services that we are providing now without the revenue. We wouldn't ever be able to go our own way. And if for some reason we decided we needed to leave the AFM, we would have to look for a sugar daddy. We could not provide for our members, as little as some people think we provide. And listen, belonging to a union is a little like taking out insurance. Some people say, what have you done for me? Well, sometimes you are lucky that you haven't needed anything from us.

Fortunately, a lot of people don't have to deal with the things that we help them with. We go to court for them. There was an instance a few years ago where a bouncer at a club injured one of our members inadvertently. He didn't do it on purpose, but his negligence caused her great harm, and she couldn't go back to her career again. And we were never dealing with the bouncer. We were dealing with the security company that he was an employee of, and the bar. They will fight you on everything. When they discovered that the AFM was putting every penny behind it and supporting our member, they settled. And she got a good settlement. Nobody wants to go through that, but that is the kind of thing we do, and we are doing it all over the place. ■

Part Two of this article will appear in the next issue of Spotting Notes.

There are great advantages to being an international organization. I say organization because we really aren't a union in Canada.



SOCAN | FROM PAGE 1

If you are unable to use the model contract with a production, ensure that these details are covered in effect. If it's not in the agreement, you could end up missing out on that part of the "back end" revenue stream. SOCAN will make efforts to procure cue sheets, but can't guarantee that success will come from the producers. As a last resort, SOCAN will accept cue sheets provided by the composer as long as it includes ALL the music in the production, not just their own. If the producer provides a different cue sheet at a later point, it will replace the composer-submitted one.

So, once your name is on cue sheets for productions that have been publicly performed, you are in a working relationship with SOCAN. Sign up for a SOCAN online account access to receive online royalty statements. Make one of your first stops a visit to your audio/visual catalogue. This is where you can see every cue sheet that has your name on it. Go through the list of productions you've written for and make sure they're all in there and correct. Although cue sheets may have been sent for your approval by a producer, that doesn't mean that a) they've been filed, and/or b) that they've been entered into SOCAN's system accurately. This last one is

how we discovered there is another "Greg Fisher" with a different middle initial registered with ASCAP, who was mistakenly matched with one of our productions.

With SOCAN paying out 9 months in arrears domestically (international is longer), we were surprised at how easy it was to overlook a production that should have been reported. To avoid this we started making notes in our calendar on the "SOCAN-days" (the 15th of Feb., May, Aug. and Nov.) that fell nine months after a production hit the air. On those days we are reminded to check our royalty statement for that production. Also, by setting up the online access, SOCAN automatically sends emails to notify when cue sheets are added to your catalogue. This saves you from repeatedly and randomly checking for them. Remember, if cue sheets aren't in your A/V catalogue, you can't get paid for them.

This represents the starting point. There are lots of resources available to you from SOCAN and if you ever get stumped or there's something you don't understand, pick up the phone and talk to a member services rep. If you can, try to speak to the same one every time. Since we've

taken an active interest in our relationship with SOCAN, we've not only minimized our questions, but maximized our earnings as well as the effectiveness with which our member services rep can track our queries. As we all move forward looking to find our next composition projects, we leave behind us a trail of productions that are potentially earning revenue.

At SOCAN, there are literally pages of production titles that have been performed domestically in the past 3 years that have no matching cue sheets. All of the money that should be paid out on those performances is sitting there, waiting to be distributed, and if that doesn't happen within three years, it all dissolves back into the A/V revenue pool. Take a moment to look back on the projects you have done, spend some time looking through your online catalogue. Reach out and get to know the SOCAN team. There's a wealth of knowledge on your side to help you out.

In the next issue of *Spotting Notes*, we'll pick up where we've left off and look into how to track cue sheets, find lost performances and use the earnings projection tools available. ■



VIEW | FROM PAGE 2

that very project before I was hired and hadn't worked since. Thought he'd have to drive cab or something. I was moved by how generous he was in attitude toward me, and – sure enough – he soon bagged a very important series that went for years. If you can be the same big-hearted, sincere person in the trough as on the crest, you'll be fine. Attitude is key, they say, to health and I say to wealth too.

Before that old recession – some will remember – real estate prices and interest rates were soaring. There were huge bubbles everywhere, but most people looked right through them. My wife and I were renting a house in the country, taking care of it as if it were our own. The landlord wanted to sell, but the market hadn't yet come up to the crazy price he wanted for it. He saw that we loved the place, made a deal with us to fix the price and close in three years, giving us time to get a down payment together. We never were able to save enough for the down payment, but the market was such that on closing date the property was evaluated at two hundred thousand dollars more than we had agreed to pay! So it was easy to get a second mortgage to make up the rest of the down payment, and we were in. Immedi-

ately the market fell, interest rates came down, and we had an affordable situation. We couldn't have planned this; we just followed intuition and desire while we ignored the doubters.

That has a lot to do with our topic. To succeed in these times, emotion is very important. I've never had a score go badly if I was involved with the project in a positive *feeling* way. When the

 **If you can be the same big-hearted, sincere person in the trough as on the crest, you'll be fine.** 

film and/or the people involved were not there to be "loved," that's when problems have arisen. In the bigger picture, watch carefully. The thoughts that you repeat – once again with *feeling* – create your reality. That's why "Yes, we can!" was so successful.

As I mentioned at December's Town Hall meeting in Toronto, the nature of the current crisis demands some very basic changes in the way we all live. Sacrifices will have to be made, yet there is the hope that the selfishness that created this mess will begin to give way to a new sense of connectedness, amongst people, between

nations, within families, and even to the Earth, itself. There is joy in all of that. Our monetary and market systems need to be rethought. Have a look at www.ethicalmarkets.com – there are many such innovative and practical sites. To quote the chorus of a recent song, "You are the problem, and the solution..."

When there is no work, there is a lot of work to be done. It's a very creative time, a time for self-improvement, which can take place on many levels. Don't stop spending, just spend wisely. Don't stop writing – look to branch out, or look to find your sound, your voice. Promote your skills effectively – it's an endless field out there, the field where music is loved and needed. Build relationships with people you actually care about, whether or not they are the ones who eventually hire you. Be supportive of the community of composers and a solid member of the industry that you hope to work in. Don't expect one answer or approach to work for everyone. "The job you are looking for is looking for you" is a statement I've used all my life, and you can substitute anything you like in place of the word "job."

Most of all, be good to yourself. As a composer, you're self-employed; only *you* can give yourself the boot! ■

COUNTERPOINT



After the recession...

Q: Do you think the composing industry will be stronger or weaker when we finally come out of the current economic recession?

◆ Recessions have a way of “whittling down the numbers” when it comes to business and industry. The “weakest” probably won’t survive. Producers who don’t deliver a sufficiently strong product, or broadcasters who don’t have a sufficiently strong viewer base will likely disappear and may not come back; and composers who aren’t adequately prepared to weather the storm will likely face the same fate. Whether this makes for a stronger or weaker industry is a debatable question - but there’s no question that a composer who is smart, determined, professional, and has at least a little bit of talent should be able to survive into the post-recession era.

● Looking at the individual composer vs. the industry could be considered a paradoxical dilemma. A composer with retained earnings might be able to “take a hit” during these tough times to maintain a client base, while another loses clients because they have no flexibility in what they can expect from a job. Not to say that “taking hits” is the only way to weather this storm, but it certainly could be the most harmful. Which outcome leads to a stronger industry, to take fewer jobs where the rates and rights retained are higher? Or to have more jobs that pay less?

◆ There will probably be a decline in the real number of composing jobs available during the recession and afterwards, those numbers will hopefully start to increase again. But what kind of jobs will these “after recession” gigs be if, in the interim, we cut each other – and ourselves – off at the knees by taking less than adequate pay, accepting worse terms, or giving up publishing where we would normally resist, all in the name of “getting by” or “taking a hit” to maintain a client base? Give people a discount or a new “reward” of rights and they’ll have a funny way of getting used to it – we’ll be helping

to set a new lower standard for when work starts coming back. Fewer jobs with higher rates/rights is probably better for the industry in the long run.

● But could there possibly be an “up side of down” here? Over the years, budgets have been shrinking while the rights composers are able to retain have been getting pruned back one branch at a time. With this economic downturn, it is predictable that there will be lower rates offered, attributable to lower budgets. This could be the opportunity to assert that these “lower rates” will have to be offset by the composer limiting the rights granted (publishing, mechanicals, exclusivity, etc...). Producers will need to come to the table with more modest expectations. Composers will have the opportunity to diversify the potential revenues generated by their work that were previously unavailable.

◆ Anything that can be done to reclaim some of the rights which, over the years, clients have come to presume as a given is probably a good thing. But expecting that producers will give up, say, a share of publishing (which we’ve allowed them to develop a taste for) because of recession-reduced rates, and then not try to pry it back once the economy recovers may be assuming too much. It’s a two-way street when you tie rights to rates. But the broader idea, that the opportunity will be out there to redefine the client-composer relationship, is spot on. Relationships will be more important than ever – and finding a way to maintain good relationships while not compromising our work or the long-term viability of our industry will be crucial to coming out strong in the end...both individually and collectively.

The opinions in this article are strictly those of the authors, and do not reflect those of the Guild of Canadian Film Composers.