

spottingnotes

SCREEN COMPOSERS GUILD OF CANADA

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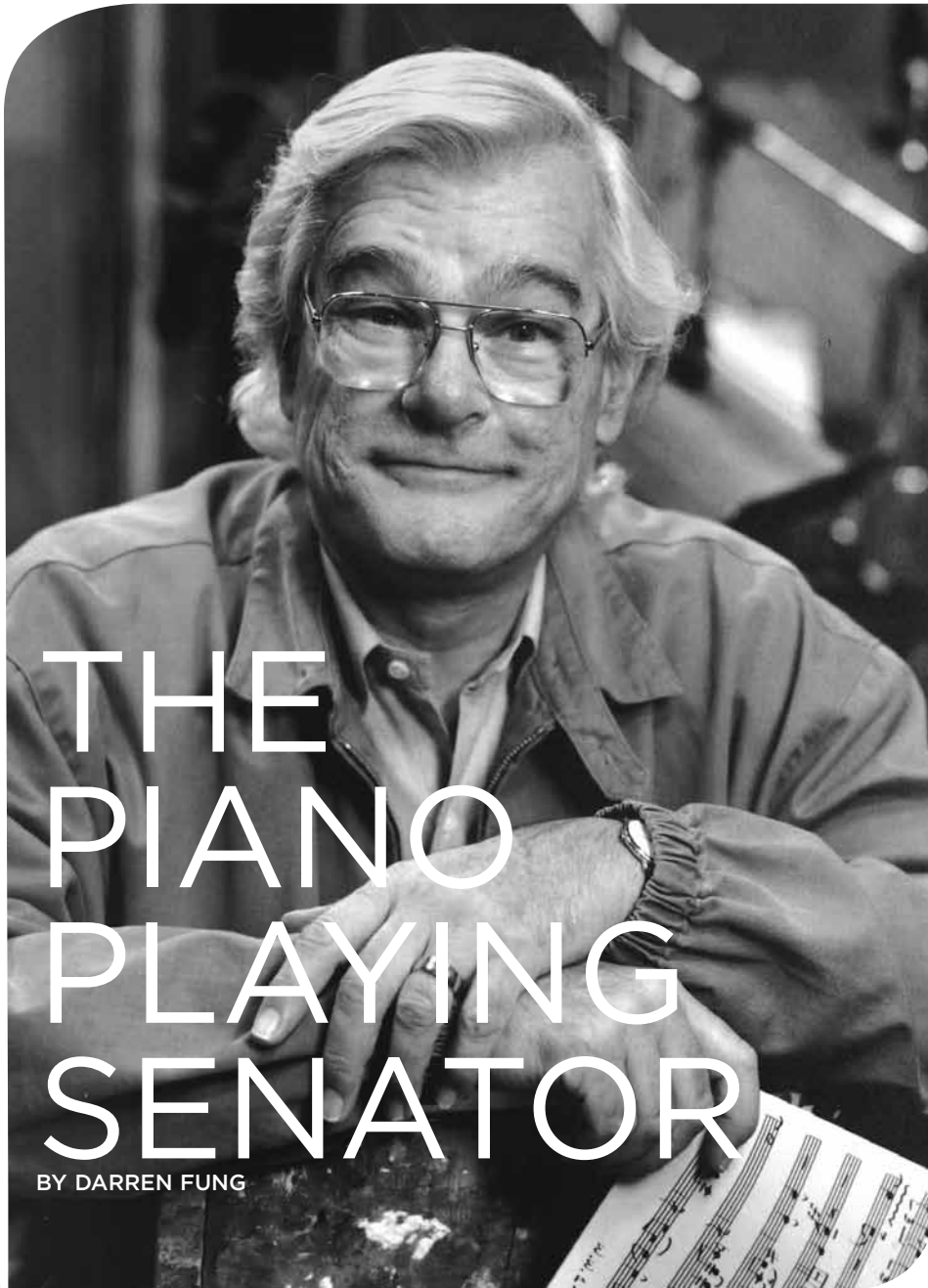


photo: Ed Ellis

THE PIANO PLAYING SENATOR

BY DARREN FUNG

After over eleven years of service, The Honourable Tommy Banks (and Honorary scgc Member), retired as a Liberal senator representing Alberta last December. Before he joined the Senate, Tommy was renowned as a pianist, conductor, arranger, composer and television personality. Ever since my high school days, I've been a big fan of Tommy Banks for his musicianship, generosity and advocacy. I recently had a chance to speak with him over the phone from his home in Edmonton and reflect over his unlikely career as a senator.

FUNG: I was pleasantly surprised when I first heard that you'd been appointed to the Senate. How politically involved were you before becoming a senator?

BANKS: Not very much at all aside from voting. And if you think you were surprised, imagine how surprised I was. Out of 105 senators, there are usually about thirty or so who were politicians at one time or another, provincial or federal or municipal. Many of us just got calls out of the blue because of the vetting suggestion process, so it was a huge surprise to me.

FUNG: How did people react to you when you first got to Ottawa? As a musician, did people take you seriously when you arrived there? Did you have to prove your worth a little bit?

BANKS: It's the same kind of reaction they would have about anyone. 'Why has this farmer, banker, author, newspaper publisher, chemist - you fill in the blank - ended up in the Senate?'

SEE BANKS
ON PAGE 11



SCGC

SCREEN COMPOSERS
GUILD OF CANADA



RETURN ADDRESS: The Screen Composers Guild of Canada, 2A Wheeler Avenue, Toronto, ON M4L 3V2



VIEW FROM THE PODIUM

BY MARVIN DOLGAY, PRESIDENT

As I write this, Bill C-11 is about to go into clause-by-clause review by the legislative committee. This bill looks exactly like Bill C-32 and continues to erode the creator's copyrights by introducing exceptions along with vague and confusing language. Bill C-11 in its final form will undoubtedly ensure stability for the legal profession for many years to come. Not only that, the Supreme Court of Canada has ruled that ISPs are not subject to the Broadcasting Act, as they do not have control of what they broadcast.

It would be easy to become very pessimistic as we see the narrative between our legislative institutions and ourselves slip away, but nobody said that the road ahead is going to be easy. Our SCGC Chair, Paul Hoffert, said something a short time ago that has stuck with me. I have quoted him since and will again now. Paul said, "I choose to be an optimist because that way all possibilities remain open to me." He went on to say, and I may be paraphrasing here, "If I take a pessimistic view, I may dismiss or overlook something that could lead to a positive result."

So with this leap of faith and an optimistic view, what are we overlooking?

Perhaps we are overlooking how powerful our relationship with our audience is. We are, in fact, in a more advantageous position to have a direct emotional relationship with them than ever before. The appetite for audio/visual works has never been higher. We have a global distribution network available to us right from our own studios. Production costs for audio and visual creators are affordable. Niche audiences (and advertisers) can be targeted allowing creators to find a voice that previously might have had no reach.

We, along with our filmmaker partners are excellent storytellers; an art form that has never been

unpopular and our audience is open to many new formats of programming. It seems to me that one might find some opportunities here.

Now, as we remain open, what could we do to help achieve a positive result?

Perhaps we change the narrative. The narrative to date has been one of confrontation — an inflammatory message that tells our audience that we want to sue them, restrict them from using their gadgets freely and stifle their creativity. Perhaps we could stop calling those who share our works (non-commercially of course) "pirates and thieves" and remember that they are our fans. This narrative has created an unsustainable relationship.

We, with our lack of resources, have not done a very good job of reminding our fans that we are individuals and not giant corporations. We are not the major film studios, distribution networks, telecom conglomerates or major record labels (for our songwriting friends), just to name a few. We must win back the hearts and minds of the consumer, our audience, our fans.

We must re-establish our own unique relationship with our audience at a grassroots level. We, as music creators, and film creators (including our director and screenwriter friends) have a very special place in the lives of our audiences. Think about how often we define ourselves and even our friends by the type of music, films and TV shows that we enjoy. These identifications run deep. So deep that creating an emotional response (which is what we do) seems to be the new mantra of most progressive marketers and



advertising agencies. Being the creators of the "soundtrack of our lives" establishes us as the catalyst of a very powerful and valuable relationship.

We have to be more open to explore new business models that celebrate, promote and follow the habits and ways that our fans are now enjoying our works. We should show them that we, the people that they do trust in this relationship, the actual creators, are the ones who are the most vulnerable and should be able to make a respectable living. We must show them that in order to offer them the highest quality work, we must be able to continue

creating as full-time professionals. We must also offer our fans a sustainable price point and great service: a win-win environment that

will start revenues flowing again and will also discourage the majority of fans from needing to circumvent the system. I feel confident that if we do find these models, our fans will financially support us (by the way, the Songwriters Association of Canada has some very encouraging survey results to support this claim).

I ask all stakeholders to be open to all possibilities. Let us be optimistic in the fact that new technologies, throughout history, have always created a greater emotional experience for our audiences as well as growth for creativity and the creator community. Let us create new business models that will establish a fair and realistic environment. That way, all our relationships will flourish. ■

 **We must win back the hearts and minds of the consumer, our audience, our fans.** 



6-PACK OF QUESTIONS

JODIE FERNEYHOUGH

OF THE UNISON BENEVOLENT FUND

WITH TRISTAN CAPACCHIONE



1 What is the UBF and how did it come to be?

The UBF was born about four years ago when Catherine Saxberg and myself realized there was a need for the music community to come together in order to help itself in times of crisis. Our community, which in large part is a self-employed group, had no way to take care of themselves, fund an emergency, get crisis and family counselling or have access to low-cost medical and dental benefits and other types of insurance.

2 Can you give some examples of the type of relief you will provide?

The fund will be launched in two phases. The first phase will provide emergency funding in addition to counselling and support. This will be done through a discreet process that guarantees user privacy. In the case of emergency funding, we will provide up to \$5,000 towards their needs. This could include emergency dental work, repatriation, payment or assistance with prescription medicines, bills or other financial hardships. The second phase, which is in its very early stages, and likely won't be available for another year or two, is to be able to provide a benefits package as well as low-cost insurance options.

3 Can you describe the counselling service that will be provided?

Counselling will be available through a recognized and accredited service provider, through a toll-free number, 24/7 in over 130 languages. It will be available to anyone who works in the music business in Canada, no matter where they are in the world. We are here to help with everything from personal issues to job and career counselling to counselling for addiction, abuse and suicide.

4 Who is eligible to seek assistance from the UBF and how do they sign up?

Everyone in the music industry. This includes record company personnel, publishers, lighting and rigging folks, stage and road managers, managers, publicists, roadies and booking agents. To be eligible, 55% of your time must have been spent employed by the music business for at least two and a half years.

It's important that everyone registers their name at www.unisonfund.ca. This allows you to get quicker service if you are ever in need of help. Further, registering with the fund allows us to increase our membership numbers, which will be crucial for us to negotiate the lowest possible benefits and insurance package when the time arrives.

5 How successful have your fundraising endeavours been and how can people get involved?

To date, we have been incredibly lucky to have some great organizations and individuals come together and raise \$800,000 towards our one million dollar goal to be able to launch the fund. We are encouraging people, businesses and corporations across the country to hold their own events, whether it's a curling bonspiel or a bowling night – any activity they like. All they have to do is visit our site www.unisonfund.ca and click on the fundraising tab. We have all the tools to help you get you get up and running.

6 What are the long-term plans for the organization?

We plan to continue the practice of building awareness of the fund, and to raise as much money as we can in order to help as many people as we can. We hope to have every single person in the music industry registered. Registration is not required to benefit nor are there any fees to join. We hope to have every person in the industry contributing to the fund, whether it's financially or by volunteering, sitting on committees or holding an event. Our ultimate goal is to help and to help for a long time. The UK has had a society like this for over 100 years. I hope we can get there! ■

COMPOSING YOUR CAREER: WORKING WITH REAL PEOPLE

BY VIKAS KOHLI

photo: Derek Treffry



It was a Saturday afternoon and I was playing squash with an old friend. Following my defeat, as we went to get some water, I told him how I was accepted into the Guild's Emerging Composer-Director Match-Up program. I explained that it was a competitive process where five Guild members are teamed up with five Canadian Film Centre directors in order to score a short film with an orchestra.

As expected, my friend, who runs an IT company, looked at me all squirrely-eyed and asked, "Why are you working on a non-paid project when you're already overbooked?"

Good point. Why was I excited to be part of this program?

And why does the CFC stay involved with the program year after year? Reehna Varma, Executive in Charge of Production and Post at the CFC, says, "This is an invaluable experience for the CFC filmmakers. Emerging talent can rarely afford to work with composers to score films. This program has opened up their world to the endless possibilities in storytelling through music."

Good thing someone brought up budgets. When there isn't a bazillion dollars to spend, many orchestral composers do what Thierry Simard does and write using sound banks. This program provided an opportunity to write more freely, knowing real performers would bring his ideas to life. This sentiment was echoed by Guild board member Victor Davies: "Filmmakers usually only work with live people, why wouldn't they want to work (if appropriate) with live people playing their music? It provides the emotional

underpinning for their film. If samples were better wouldn't Spielberg just tell John Williams to go home?"

The appropriate emotional underpinning is important from a director's point of view. Composer Tyler Shaw learned the emotional content may need to be subtle. But how subtle did Tyler have to get? He explains, "I asked the director to suggest an existing film that used music in the way she had in mind. She suggested a particular film, which I dutifully reviewed, only to discover that it contained no score whatsoever."



Instead of running out of his studio screaming as subtly as he could, Tyler dug in and figured out what the director needed. He delivered a score that won her over. Sometimes, as the famous line goes, "talking about music is like dancing about architecture." Composer Kevork Andonian, however, found that he and his director, Laura Dawe already had a common vocabulary. Laura used musical terminology to describe what she wanted. Whatever form it ends up taking, finding a way to communicate is essential for both sides of the equation to make things work.

After you've mastered the Vulcan mind-meld with your director, there's the technical business of scoring the music. Composer Simon Charrier, who spends countless hours making his cues

sound great with virtual instruments, found he spent more time writing the music down versus actually composing it. Sharps and flats are obvious, but what about the difference between pizzicato with finger pads or pizzicato with the finger nails? And what type of mallets did you want the Marimba player to use?

It's critical to provide each orchestral player with every nuance they need, as the budget for such a large recording session dictates you're only going to get a couple of shots at getting the cue right. Accept there's never enough time, and pray you covered all the details during pre-production when it didn't cost several hundred dollars an hour.

Now hit record. You feel the stress and excitement as your piece finally comes to life while you frantically mark your booth score with all the changes for the next pass. Don't forget to keep an ear on your director and prepare your comments for the conductor.

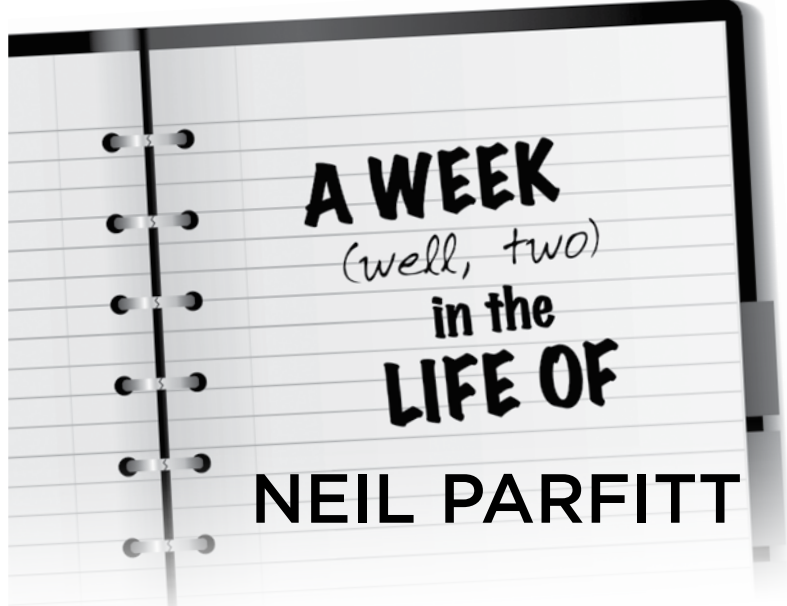
**Whatever form it ends up taking, finding a way to communicate is essential for both sides of the equation to make things work.** 

The Guild and the CFC take this program seriously. Everyone pulls together and directors get excited about working with composers, live players and 5.1 mixes. And ultimately, we want directors to convince

their producers to allow time and money for music on future projects.

So to paraphrase my business savvy friend's skeptical question from the squash court: Why bother working countless unpaid hours learning to dance about architecture with a director while you figure out how to get Sibelius to format your collaborative storytelling?

For me, the payoff was when the director I worked with, Samuel Kiehoon Lee, asked me to work on his next film. It goes to show the value of the Match-Up program in developing the creative, technical and relationship building skills that both composers and directors need to keep doing what we do. And let's face it, working with an orchestra does make for a pretty neat bucket list item. ■



It was the beginning of January, 2011 was a very busy year and I needed a vacation. For the first time in my life, I decided to back out of a gig with a new client to take some time off. I booked a flight to my favourite place in the world and was there a week later: Japan!

I thought the most surreal moment was when I was in Yokohama and was scared awake by a 5.0 earthquake. Then, I get an email from a past client along the lines of, "Our current composer isn't working out. Can you come back right now? We'll let you know in a few days."

I just went about my vacation assuming it wouldn't happen. Then Friday afternoon I found myself at the animation studio in a meeting with the director, producer and a translator working both sides of the table! Ironically, I was in Japan and now had to fly home to Canada to write music for Japan. If only my laptop could handle the demands of this project.

The expectations and pressure were high and the original deadline was unchanged. And this was my first time as the "#2 Guy." I felt bad for the other composer, but now that I've been on both sides of this type of situation, I've come to realize it's just business.

Week 1: The Blur

SUNDAY

Head home. I left Japan at 5:00pm and 13 hours later I arrived back in Toronto at 3:00pm the same day.

MONDAY

A million errands, bills and cat litter. Basically everything that isn't sleep.

TUESDAY

My systems have been down since before the Christmas holidays. I hope it all still works!

WEDNESDAY

9:00am: I have zero ideas and no picture.

12:00pm: I am still looking at the cue list. And I still have no ideas. Jet lag is kicking in.

11:00pm: Two cues out the door. Four minutes delivered.

THURSDAY

11:00pm: Four minutes delivered.

FRIDAY

9:00am: The perfect day for a drive failure. B machine down.

11:00am: Phew! Up and running again.

5:00pm: One cue sent out.



photo: Sandra Reeves

Ralf CASSIDY BINDELS

Home base: **Petitcodiac
(Moncton), NB**

What instruments do you play?

Piano, Keyboards

What's your DAW of choice and favourite feature?

I have worked with Pro Tools and Logic but prefer hardware over software.

My scores are mostly created with hardware synths, drum machines, samplers and sequencers. To add organic sounds, musicians and soloists into the mix I use Roland workstations which are mobile and very reliable. Sound edits are done with Pro Tools.

If you could share one piece of advice with your fellow composers, gleaned over your years of experience, what would it be?

Be easy to work with and be yourself. Be inspired by other composers but don't be a copy cat. There is no right or wrong way to score as long as you do it your way, you are on your way.

If you couldn't be a composer, what other job would you like to try, and why?

I would love to be a fire spotter for a season somewhere warm. I would love to experience the peace and quietness that goes with living in a lookout tower but only if I could bring my family and some of my equipment.

SATURDAY

My cat Tigger is annoyed that I've come back from 2 weeks to see him for maybe ten minutes a day (he's not allowed in the studio). Today, he's discovered that if he does a running head-bonk into the basement door, it pops open and down he comes! Annoying, but admittedly, really cute. He's unstoppable. I should sample him. He makes a "brr" noise every step down. "Brr, brr, brr..."

I was in Japan and now had to fly home to Canada to write music for Japan.

Week 2: The Blur Continues...

MONDAY

I have 75% of the cue order sent in. Revision notes have been coming back. The complexity of addressing comments for ten cues while continuing to output the same amount of music is keeping me at the desk for a long time. I still feel like I'm in a what-the-hell-is-happening zone and that I'm missing at least ten hours of sleep that I can't get back. I'm bagged.

TUESDAY

Change of gears. I need a break. The weather is so good that I de-winterize my motorcycle and waste half a day cruising around.

2:00am: Four minutes out. That break helped clear the ol' noggin. Big time.

WED NIGHT

70% of cues are approved. Panic is fizzling. I need to write some guitar battle music so I head to Long & McQuade to rent one.

THURSDAY

2nd last sketch is done – excited to relax and track guitars in the evening.

FRIDAY

Logic is making me cranky. I shelf my Logic pride and install a Nuendo NFR. I'm surprised at how good the MIDI editing/control has developed. You can have folder tracks ... How logical! "Big Orchestra," and "Electronica" can be organized into sections. I re-make the full template in Nuendo. Do I have time for this? Of course not.

FRI TO SAT AFTERNOON

Mixed and stemmed nine cues (about 20min). Tracked flute in the afternoon. Revised another cue and delivered at 1:00am. Why do I feel like I'm the only one working around the clock?

My hard deadline for everything is Monday night (Tuesday morning, Japan time), but I don't have notes back on three cues submitted days ago. All I can do is plow along with everything else. One cue is just going back and forth, lost in mistranslations on what they're looking for ... wait, there's the email - it's approved!

MONDAY

Well, everything has been finally approved, mixed and delivered. The first round is over with many more to come. Hopefully, this time I won't be in Mongolia when I get the next call! ■



photo: Mat Dunlap

**Jason
MacISAAC**

Home base: Village Sound, Halifax, NS,

What instruments do you play?

I write on piano, but I will play whatever I have to do to get the job done, including wax comb and Theremin.

Favourite composer and why?

My all time favourite film composer is Ennio Morricone. While the world will best remember him for his spaghetti western scores, his psychedelic/jazz scores of the early 60's to late 70's really blow my mind. He was inventing a brand new vocabulary on those early films.

Hobbies and pastimes?

I write and perform for the Halifax based orchestral pop outfit The Heavy Blinkers

and also compose music for a local theatre group called Zuppa Theatre. I also produce records when people are kind enough to ask. I've produced albums for Jenn Grant, Brent Randall and Ryan MacGrath to name a few. When not making music, I am attempting to watch every single movie in the Criterion Collection. I also enjoy vegan cooking and physical fitness.

If you couldn't be a composer, what other job would you like to try, and why?

I should think that I would like to try my hand at writing a play. I have spent years in and around theatre and feel I have a fairly good grasp on what makes a compelling theatrical experience.

THANK YOU, PENNY

After 10 years with the SCGC, Penny Seymour retired at the end of March 2012...



photo: Lori Davies

Penny came to me by recommendation of Glenn Morley, when she was looking for a change in her career. I was delighted to hire such a wonderful person for the Guild.

She is the most underrated and understated person that I have had the privilege to work with: conscientious, accurate, resourceful, thoughtful, creative, loyal and determined to do the best that she can in any given situation.

I am amazed, although being such an important part of the Guild, she has remained undercover and largely hidden from members for so long. It is only when she has left that the full extent of her knowledge and contribution will be felt and missed.

Wishing you much joy and happiness, good health and satisfaction in your next phase Penny.

LORI DAVIES, EXECUTIVE DIRECTOR OF THE GUILD (2001-2004)

Even a quick look at Penny's varied work description in the Guild is a real tell-all to her adept handling of the many vital behind-the-scenes services, seminars, programs and logistics for members and the Board. We'll miss her dedication and seven day week. Hands up if she answered your call on a Sunday morning or while on holiday abroad!

I've truly appreciated her spirit and tenacity for detail these past ten years and will miss your company. I wish you the best in your second act !!

NICHOLAS STIRLING

It is with mixed emotions that we celebrate the retirement of Penny Seymour, who for the past ten years has been a constant, unflappable and ever-familiar part of the SCGC team. Throughout the years, Penny's dedication and contributions to Member Services, our Mentor Bursary Program and the development of our database programs have significantly benefited and enhanced the Guild's activities and programs year after year. We are thrilled that Penny will continue to work with us on our Mentor Bursary Program and we wish her tremendous happiness, contentment, creativity and joy as she embarks on her next chapter.

**MARIA TOPALOVICH,
EXECUTIVE DIRECTOR, SCGC**

**TONYA DEDRICK,
MANAGING DIRECTOR, SCGC**

Thank goodness for Penny! We have been extremely blessed to have Penny as part of our family for so long. Penny has always represented the SCGC (and the GCFC) with warmth, grace and professionalism. She has also been through a few transitions with us, some that have been more difficult than others, and through them all, she has been an invaluable constant to members, the admin teams, board members and presidents alike.

I am very pleased that even though Penny is retiring from her admin responsibilities she has decided to continue her involvement with our Mentor Bursary Program. This leaves me with only having to say thank you for all you have done for us, but not good-bye.

**MARVIN DOLGAY
PRESIDENT, SCGC**

I joined the SCGC about ten years ago, and got serious about it a few years after that. I have always appreciated the Guild for what it has done for Canadian screen composers, and the unwavering attitude of support shown by its administration.

Since I joined, there have been several regime changes; three or four Executive Directors, at least three Presidents, and a revolving Board of Directors - but it seems like Penny Seymour has ALWAYS been there, keeping things running smoothly and gently reminding us when things need attending to.

I have appreciated both Penny's handling of Guild affairs and her positive way of dealing with us all, and wish her all the best as she moves forward, more-or-less sans Guild (although you may never be truly free of us, Penny!)

With gratitude,

**GRAEME COLEMAN
1ST VICE-PRESIDENT, SCGC**

What I love the most about Penny is her absolute commitment to perfection. Almost to a fault! My most memorable moment of Penny was that there was a small omission from some of the Mentorship Bursary Program binders one year. Because it's so rare that she slips up, and she was so, so, so apologetic about this small, very inconsequential slip up, of course we had to take the opportunity to tease her just a little bit. You could feel the heat coming from her red face through those e-mails. She has always been such a pleasure to work with, and she has always done such detail oriented, fantastic work that most of us composers are quite incapable of doing for ourselves. Cheers to you, Penny. We will miss you greatly, but here's to new adventures! (PS - we can only hope the next person who hounds us for our dues will be as lovely as you!)

**DARREN FUNG
2ND VICE-PRESIDENT, SCGC**



Royalties and the Internet

BY DEREK TREFFRY AND GREG FISHER

The “Good Old Days”

In the days before radio, when the available methods for enjoying popular music were more limited, composers made much of their living from the production and sale of printed music. In the 1920s, an average hit song could sell in excess of one million copies of sheet music. But with the advent and expansion of radio broadcasting, sales from this previously lucrative business began to decline, often quite dramatically. It is no surprise then that this era of tumultuous change saw the emergence and increasing prominence of performing rights organizations (PROs), created with the goal of protecting composers and ensuring they receive fair compensation for the public performance of their members' works.

Technological advancement is ubiquitous and as inevitable as death and taxes. And with each new innovation, be it broadcast television, or in latter days the growth of cable and the 500-channel universe, composers have faced the same question their predecessors faced a century ago: how will this impact our financial well-being in the future?

And Then Along Came the Internet...

Gone are the “limits” of 500 channels replaced by a seemingly endless outlet for any and all of the public's viewing desires. According to comScore, in October of 2011 alone, more than 200 billion videos were viewed online worldwide. And in many ways Canadians lead the way, ranking first in the world for online viewing both in terms of per capita number of views and amount of time spent watching videos online per month. Which leads to the inevitable question: where are our royalties for the Internet?

Very early on, SOCAN felt that the Internet would eventually be *the* place for content to be viewed in the future, and accordingly, in 1995 they were one of the first, if not the first PRO in the world to apply for a tariff on the use of music on the Internet. Originally directed at Internet Service Providers (ISPs), this proposed tariff was turned down by the Copyright Board, and subsequently rejected by the Supreme Court of Canada in 2004 when it ruled that ISPs were not liable as they were simply “intermediaries” – not the providers of content but merely the pipes through which content flowed.

The natural assumption from this case, as well as the recent Supreme Court ruling that ISPs are not “broadcasters” under the Broadcasting Act, is that the ISP issue is closed. But it is important to note that these rulings are predicated on the assumption that ISPs remain “content neutral” and have no control over the what passes over their networks – an assumption that rings less and less true in this age of vertical integration in the telecommunication industry, as those who control the pipes acquire more and more of the content which airs on traditional broadcasters. As Paul Spurgeon, General Counsel at SOCAN notes, “The issue of pursuing ISPs as mere conduits is like flogging a dead horse. The law is clear. However, while that particular horse may be dead, if the horse turns into a sheep, that is another thing. If ISPs do more than behave as mere conduits, they clearly will be held responsible for their communication of content and SOCAN will seek license fees from them.”

So Where Are We Now?

In 2006, SOCAN reapplied to the Copyright Board for a new Internet tariff, this time aimed not at ISPs but directly at websites who use music. The Copyright Board agreed and approved what we now know as Tariff 22. Of course, things are never that simple. Tariff 22 has been appealed upwards through the Canadian court system, and while lower courts have mostly ruled in favour of the tariff, several appeals are currently under consideration at the Supreme Court of Canada which may have significant impacts on Internet royalties in the future (*note*: watch for updates in future issues of Spotting Notes on the implications of both these pending Supreme Court cases, and Bill C-11, the new Copyright Act, which as of press time is still undergoing readings in the House of Commons).

Tariff 22 was split into seven categories by the Copyright Board: 22-A, which applies to online music services such as iTunes, and 22-B through G, which cover an array of other musical and A/V uses from the websites of what can be considered traditional broadcasters – networks such as CTV, or cable stations such as HGTV – through to online sites “ordinarily accessed to download or play games.” But what is not covered by Tariff 22?

Where Are We Going?

Who is the biggest provider of video content world-wide? Not surprisingly, YouTube, which delivers more than 40% of all videos viewed globally. Which website boasts a whopping 800 million users? Facebook. Which online Canadian A/V service has grown from one thousand subscribers in its first month to over one million

subscribers in less than one year? Netflix. None of these services are currently covered by Tariff 22.

But the wheels are in motion. A hearing is set for June of this year at which SOCAN will apply to the Copyright Board for a tariff to license A/V websites, such as Netflix, and user-generated content sites, such as YouTube, as well as social networking sites like Facebook. As of this date, YouTube has formally objected to this application, while Netflix and Facebook have not participated in the process. A ruling is expected in 2013, though appeals to the higher courts are a virtual certainty.

When Will We Start Receiving Royalties for the Internet?

Short answer: Not quite yet.

SOCAN has already been collecting some license fees for the Internet, thanks in part to the fact that Tariff 22 is retroactive and covers the period dating back to 1996. But when will distributions start to be made to members? Unfortunately, not until the specific legal issues under appeal have been resolved, an end-point which is elusive to pinpoint. But in all likelihood, it's still some time away.

In the meantime, however, the groundwork is being laid for what will undoubtedly be a massive undertaking. Consider that as recently as 2005, SOCAN tracked around eight million performances a year; thanks in part to advances such as audio-fingerprinting for commercial radio and expansion into new distribution streams such as ringtones and satellite radio, this year SOCAN will likely track over forty million. Michael Lewin, VP of Distribution Operations at SOCAN, estimates that the Internet and Tariff 22 could bring the number of performances to over one billion. Which is why new state of the art systems and integrated databases are being built today – to help track, match and ultimately distribute for this mass of performances into the future.

How Much Money Are We Talking About?

Short answer: not as much as you may expect. For now, at least.

Assuming that distributions can start being made, “Don't expect a bonanza on the back-end right away,” says Victor Davies, veteran com-

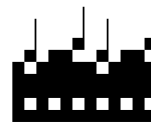
poser and member of the Boards of both SOCAN and the SCGC, “for a while, it will be a world of micro-payments.” Why? Consider one example: many of the A/V websites now covered by Tariff 22 currently do not charge for viewing content and do not have significant revenues from paid advertising. Think of the huge disparity of advertising when you view a program online versus the commercials attached to that same show when it airs on television, as well as the current difference in audience numbers, and you'll see why the Internet pie is not yet as big as you may think.

In the Long Run...

Be sure to think long-term. If one day, as many predict, traditional broadcasting as we now know it ceases to be and fully migrates to the Internet, the above situation changes dramatically. As long as people continue to demand content – when, where and how they want it – there will be broadcasters willing to provide it *for a profit*. And as the numbers from column A (traditional broadcast) decrease, and the numbers from column B (the Internet) increase, the goal is for the numbers in column C (composer royalties) to stay stable.

Is it a guarantee that royalties will at least stay at current levels in an Internet-only environment? Of course it's impossible to accurately predict the future. But from SOCAN's perspective, the issue can be thought of as ensuring that there is always “technological neutrality.” Whether it's viewed on a television, computer, mobile phone, or on some other device that no one has yet dreamed of, at the end of the day it's still a licensable activity that must be paid for by the music user. And music users will continue to fight to reduce or to eliminate royalties. But according to Paul Spurgeon, “SOCAN will also continue to use its collective forces to ensure that changes in technology or changes in music use do not reduce the royalties earned by its members in the future.”

Technology will continue to expand and evolve and so will the challenges technology brings. The issues are becoming more and more complex, and the atmosphere is more adversarial than it has ever been. But the sky is not falling. As long as PROs like SOCAN continue to persevere and adapt, and as long as composers continue to do whatever they can to preserve and protect their rights, the world of royalties on the Internet should be a good one. ■



SCGC

SCREEN COMPOSERS
GUILD OF CANADA

GUILDE DES COMPOSITEURS
CANADIENS DE MUSIQUE À L'IMAGE

Spotting Notes is the official newsletter of the Screen Composers Guild of Canada, a national association of professional music composers and producers for film, television, and new media.

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COUNTERPOINT

MODERATED BY MIKE FREEDMAN

We all have heard about the composer who has moved to the “big city” to make it. In this edition of Counterpoint, our panelists debate whether it’s worth the trip or better to stay local and find work in a smaller city.

Do you need to live near a major production centre to be a successful media composer?

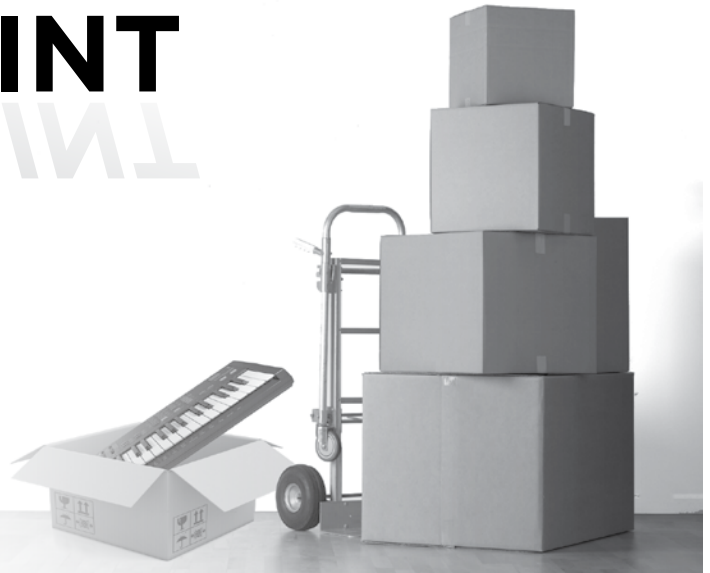
◆ While I’m sure that it’s possible to eke out a career anywhere these days, I think the question is more about how easy and how successful your career is going to be. Let’s face it, the major centres are home to all the production talent and where things are shot and posted. The reality is that this business is all about connections and if you can’t make connections, you won’t work. I think you want to make a career where you’re going to have as many connections as possible. Nothing (not even Skype) can replace face-to-face client interaction.

● I think once you’re an established composer and have built some solid relationships, you can be anywhere. Most people don’t come into the studio anymore – so I’m working for different people across Canada and the United States that I send files back and forth to. Some I actually get to meet at the beginning of a project, some I’ve never met.

◆ I think it’s true that clients rarely come to the studio these days, but there’s something to be said about sitting down for lunch with them, or appearing in person at the dub. I think we all tend to forget that composing is not just about writing music - it’s about developing and nurturing those relationships. Like you said, once you are established and have solid relationships, you can go anywhere. But what about before you’re established?

● I totally agree that strong relationships are the key and they do need to be worked on and developed. In my case, I find flights and hotel costs to attend festivals, dubs and specific meet-

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



ings still pretty reasonable compared to when I uprooted my family and moved to the big city. But you’re right. If you’re not established, nothing compares to being there. When I was in Toronto, LA and NYC guys were the main competition. When the tax credits/incentives became an issue (which we all have now), I found it was better to be based in the smaller centre and be more of a “go-to” guy for that region, rather than be just “one of the guys” in the larger one. So, I turned my focus back there and it’s been awesome.

◆ But looking at a situation where everything is equal, a producer or director is going to choose someone who is going to have the ability to swing over for a quick meeting over someone who’s going to cost a few more bucks on their FedEx account. That unfortunately, is just reality.

● I started out in a smaller centre and found it to be a good training ground. There, I really needed to be versatile, be it radio or TV commercials, corporate projects or helping my aspiring director friends with their short films. As they moved on in their careers, they brought me along with them. In the smaller environment, we learned the ropes and technology and made it happen. So when I did end up in the larger centre, I plugged in right away and in many cases, found myself ahead of the game.

Amongst the things that are on that steep learning curve are the Rules of Parliament, which are complicated. Looking at many of them for the first time you say, 'What the heck? That doesn't make any sense at all.' But once you learn what's going on, it makes a great deal of sense. You learn about the process of creating legislation, examining issues and making reports, which is one of the strengths of the Senate. You have to learn all this, so the first thing that most of us did, who were not politicians, was to shut up for awhile, watch and listen.



FUNG: So let's turn this around a little bit. How did you react when you first arrived in Ottawa? What surprised you the most about being there?

BANKS: My first reaction was awe. I mean when you walk up those granite stairs with stained-glass pictures of kings and queens and then walk into that chamber for the first time, your initial reaction is, 'What the hell am I doing here?' I was in awe every single day.

FUNG: Canadian politics are becoming incredibly partisan and there is a lot of mudslinging. Like you said, you had very little involvement with politics before and you were thrown right into the deep with it. How did you handle that?

BANKS: I believe, as (our first Prime Minister) Mr. Macdonald intended, the Senate's value lies precisely in the fact that once you are appointed to it by the Governor General, short of committing murder or treason you can't be booted out of there. So that gives senators a certain amount of independence and when I first got there, it was exercised on both sides. On matters of substance, it was rare that there weren't members of the Senate on the Government side voting against the Government and vice versa.

If you watch the extent to which the line moves between partisanship and collegiality in the Senate, it's been sort of a wavy line over the years. It never goes as far in terms of partisanship as the House of Commons, and it never gets on the collegial side to the point where there is

absolutely no partisan politics involved. I always just did what I thought was right.

Way before I was a senator, when I was a member of the Canada Council, we started lobbying members of Parliament against a bill that was going to have a bad effect on everything having to do with the arts and the humanities. We started lobbying the senators and a Progressive Conservative government majority in the Senate defeated a P.C. government bill because it was wrong. My appreciation of the Senate went up 200% on that day. The Senate doesn't use that power and authority as often as I think it should, but it can and it does do that.

FUNG: Copyright reform is something that obviously affects screen composers and our community greatly. What are your thoughts on the new copyright bill as it stands right now and how it affects music creators?

BANKS: Well, as it stands right now, it's terrible. It's full of errors of concept. It comes down too far on the side of not just public use, but industrial use of music without having to pay for it. Conservatives, in most instances, come down on the side of a business enterprise instead of others who might have an interest in the situation (in this case creators of music, or art, or whatever). One of the big problems is that it confirms the rights of authors and composers and publishers, but it says in a lot of cases if those rights are transgressed, you (the creator) have to undertake redress on your own, and it limits it to \$5,000 in those cases. That's like saying to the store owner, 'Well, we've caught these guys who shoplifted \$10,000 worth of stuff, but if you want to get it back you have to take action against them because the Crown isn't going to. And by the way, you're limited to recovering \$5,000 notwithstanding that they took \$10,000.' That doesn't make any sense.

FUNG: If you could give one piece of advice to the cultural community in terms of getting things accomplished in Ottawa, what would that be?

BANKS: Politicians, particularly those in the House of Commons, less so in the Senate, are hypersensitive to constituent pressure. The problem is that among all the industrial or economic sectors, the arts and cultural industries are the worst representatives of their members' interests. I can take and introduce you to the guy who represents all the interests of the manufacturing sector, or the petroleum interests, or the communications sector. We don't have that. We have fifty different organizations and individuals attacking



Phil STRONG

Home base: Toronto, ON.

photo: Ali Kazimi

What instruments do you play?

Clavier, chromatic and clangorous percussion, inextricable and unconscious guitar.

What's your DAW of choice and favourite feature?

Logic - if Logic had the ability to sequence sessions in a master track like DP's "chunks" and the ability to intelligently output this sequence, offline, as a Pro Tools stem session and automatically generate a SOCAN cue sheet while brewing a perfect Americano. There is not much else I could ask for in a DAW. My favourite feature is Space Designer.

Favourite score/composer and why?

Much of the time I don't really notice music scores. If I do, it's often a bad sign. Perhaps most interesting and notable is that some of the scores etched in my cerebellum are by directors. Director James Longley created his own brilliantly integrated and perfect score for *Iraq in Fragments*. Another favourite is *Milk in the Land*, directed and scored by Monteith McCollum. It's kinky, dusty and flawed. Kind of like Arvo Part if he had done grew up barefoot and alcoholic, bowing a saw in the backwoods of Arkansas.

If you could share one piece of advice with your fellow composers, gleaned over your years of experience, what would it be?

Back-up your back-ups, take some courses in psychology (this is not career-specific advice) and join the SCGC. I'll just say that joining and participating in a peer group like the SCGC has really broadened and improved my outlook, knowledge, perspective and appreciation of all aspects of composing.



I'm also proud of the fact that I always voted my conscience and my principles.

on a very broad front, which is exactly the wrong tactic. You have to attack with a pointed front.

We should have one organization that marches into offices in Ottawa and pounds on the desk and says, 'I represent 800,000 people in Canada who are fully-employed, tax-paying members of the arts and cultural industries.' When there's a problem, the ACTRA guys go on, the AFM guys go on, the Actor's Equity guys go on along with everybody else. But they're not going with the same message and they're not all going even with the same point of view. That doesn't result in effective lobbying. So we don't make very much of a noise in Ottawa.

FUNG: What do you think your proudest achievement is as a senator?

BANKS: Many senators try, but few manage to get substantive bills passed into law. I wrote two private members' bills, the *Statutes Repeal Act*, which sounds kind of boring but is actually quite important, and an act amending the *Sustainable Development Act* and the *Auditor General Act*. Both of these are now law. I'm very proud of that.

I'm also proud of the fact that I always voted my conscience and my principles. Sometimes those principles move a little bit because of expediency, but when it was something that I really believed in I acted and voted that way and spoke in that way. Which did not always please all of my colleagues or my leadership.

FUNG: How has your view of Ottawa changed after your time in the Senate?

BANKS: I think this happens to everybody when you get appointed to a board or are asked to join a committee or whatever – everybody in the world has the idea, 'I'm going to go there and straighten those guys out and I'm going to make sure that they understand.'

So my perception of Ottawa is that I have an improved understanding of it and how it works, and I have come to realize that it's not quite so much a cocoon isolated from the rest of the country as I thought. Most people in Ottawa didn't grow up in Ottawa, they came from some place else. That having been said, there is no doubt that there's a certain dynamic in Ottawa that sometimes doesn't relate all that much to what's going on in certain other parts of the country. That's the nature of it, that's true in any capital, I think.

FUNG: Now that you've retired from politics, what's next for you?

BANKS: I'm hustling for gigs. I'm leaving tomorrow to play a couple of jazz concerts in Calgary and Regina and I'm doing a concert with the Edmonton Symphony in April. I'm doing another concert in Saskatoon in April and I'm looking for work.

FUNG: Tommy, it's been absolutely fantastic. Thank you so much for your time.

BANKS: My pleasure, man. ■

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