



Make a music supervisor happy: the question of cover versions

Description



Not even the most determinedly casual ad consumer could deny that the cover version has an exceedingly firm foothold in the sync landscape. From [John Lewis](#) to [Chipotle](#), the cover version has become a sync workhorse. But should independent artists chance it?

Cover versions serve something of a double function for both advertisers and filmmakers: a cover version can bring something new to an existing song, juxtaposing genre and delivery to evoke emotion, humour or knowing wryness and bringing new levels of meaning to the song's lyrics. Advertisers

have sometimes plumped for rocked-up, electronic or punky takes on slower or cuter pop songs, but more often selected stripped-down, often acoustic, varyingly emotional versions of originally more frenetic songs. Examples of the latter from the last few weeks alone include Budweiser's follow-up Super Bowl [puppy spot](#) with a Proclaimers' rework hailing from a whole album of covers, and Axe Germany's ethereal take on [Guns n' Roses](#), care of Novo Amor.

The second aspect is a practical one. We've discussed the rat's nest of complexities that spring from [the use of samples in sync music](#). The use of a cover version also throws up a significant set of complications – but not *quite* as many as a sample.

Cover versions and copyright

A quick review of the concepts at hand. **Copyright** ensures that the creator of a song has some control over its creative destiny: they can approve or reject the creation of new music based on or derived from their original work. This power may be held by one artist, or split between several musicians, songwriters, composers, lyricists, performers, the estate of a deceased artist! The possibilities are vast.

Tied to this is the notion of **publishing rights**. The person or entity considered the owner of a song's publishing rights owns the *composition*: the idea of the song itself, the sheet music. This may be where a music publisher steps in, to issue re-recording licenses and collect royalties in exchange for a share of the money generated by the song's use.

The **master rights** are the rights to the use of a particular *recording* of a song. A record label often takes care of this, in a similar fashion.

Publishing rights in practice

The good news about cover songs is that they trigger only the first set of concerns: rather than, for example, having to seek approval from a songwriter, lyricist and music publisher, and then a record company, an artist wishing to cover rather than sample a song typically only needs permission from (and possibly a deal to split royalties with) the artist(s) and music publisher behind a track. You can find a more exhaustive breakdown of the US system [here](#).

The bad news for cover artists is that these rights are *no less important* than the master rights.

Rights to a composition are not to be underestimated: artists are regularly sued for lifting hooks, lyrics and chord progressions from other songs. Some may seem unexpected, such as Albert Hammond suing Radiohead over the chord progression similarities between 'Creep' and 'The Air That I Breathe' and earning co-writer credit. Some battles end badly, one of the [nastiest examples](#) being the kerfuffle over Men At Work's alleged use of the melody to 'Kookaburra', a children's song not yet in the public domain.

In certain contexts, artists can work with cover versions with relative impunity. Covers performed live, for example, tend to be safe enough – it's generally the responsibility of a venue owner to acquire

a public performance license, often done blanket-style through an organisation like GEMA, ASCAP or BMI.

Synchronisation (pairing a song with visuals), however, still presents a much trickier situation – even without the issue of master rights, the process can be *almost* as long and complex as clearing a sample, presenting significant disadvantages for independent artists in a sync pitch situation. In terms of what clients want, we’ve noticed a pattern – a client who hears a genius cover version by an independent artist may be inspired to license that track ([take a bow](#), Fallon, Sony and JosÃ© GonzÃ¡lez) but more often the idea for an ad’s musical accompaniment comes first, and a client will commission an artist to create a cover specifically, as was the case with, say, Fiona Apple’s take on “Pure Imagination” for Chipotle ([originally envisioned for Frank Ocean](#)) or John Lewis’s famously heartstring-tugging covers.

Cover songs: the Tracks & Fields stance

As with samples, the time-sensitive and legally conscious nature of our business means that we play it safe, and we ask you to do the same. From time to time we receive requests for cover versions, and we ask that our member artists limit submission of cover songs to those alone – in regular requests, the uncertainty and time delay over rights clearance is, as before, simply too great a risk. Unless the situation calls very specifically for a bold reinterpretation, let us (and our clients) hear your original songs, and you can rest a little easier!