

# Distinction between the executive and artistic producer

The producer is the designer of a product; the product is a band, an individual performer, or a sound carrier. One distinguishes the following types of producers:

## **Executive producer (label)**

Executive producers fund the recording and/or the production of the sound carrier at their own economic risk. This professional business activity exceeds the production and the sale of sound carriers by far. The following indications support the classification as an executive producer:

- responsible for the development of the product (e.g. search for new performers and their support);
- responsible for the organisation and realization of the recordings with the performer (possibly involving the grant of discounts to the performer with regard to costs of the studio);
- responsible for the production and the sale of the sound carriers as well as for the marketing and promotion of the product;
- in charge of concluding contracts with the other persons involved in the production (e.g. with the musicians, the musical producer, the pressing plant, and the collecting society).

The more of the tasks listed above are assumed, the more likely is the function as an executive producer.

Normally, the label is deemed to be the executive producer. If a performer assumes a major part of the tasks listed above, he will have the function and the rights of an executive producer. Uncertain is the situation if the performer and the label share the tasks, for instance, if there is a contract on assignment of copyright. The question as to who is entitled to the producer rights or whether the performer assigned these rights to the label, respectively, shall be examined in each individual case.

## **Artistic producer, musical producer**

The musical producer is the person responsible for the recording in the studio on the musical level. He organises the entire recording process on a musical and technical level. He is deemed the person responsible for the music production in the studio. His scope of responsibility includes the following tasks:

- organisation of the entire recording process on a musical and technical level;
- selection and engagement of those involved (studio musicians, sound engineer);
- preparation of the production together with the performer;
- implementation of the directives of the record company and of the performer with respect to sound and financing;
- (possibly) assumption of arranging activities (e.g. instrumentation, arrangement, and sound design).

**SWISSPERFORM only accepts executive producers as Producer Phono. Musical producers may join SWISSPERFORM as Performer Phono. The prerequisite for this is that certain performing artists who have contributed to the recordings concerned confirm the performance as artistic producer. The corresponding «Confirmation Artistic Producer form» can be found here.**