

What is a band agreement and do I need one?\*

In a past newsletter we shared some of the potential conflicts that arise out of collaboration and what to do to help mitigate those issues. Once you have asked, and answered, all of the right questions, determined the form and scope of your project it's time to put all of that information into a concrete format. ([link to collaboration article](#))

A band agreement will lay out in writing the terms of your collaboration. It will define things like who the members of the group are, what each person's responsibilities are, how the group handles disputes, the division of money, how the group's resulting intellectual property will be managed and anything else that you feel should be put into writing.

### **Can I write a band agreement on my own?**

Maybe, but the best way to go about is to find a lawyer in your state to draft it for you. A lawyer will know the local laws governing such agreements in your state. They can help you with any business questions you might have and also help you to navigate what can and cannot be included in such an agreement. Even if you draft the agreement yourself or you base it on one of the many available online, it is always a good idea to have a lawyer review the document before any one signs it. Sometimes it's what isn't in the agreement (but should be) that causes problems down the line.

### **Can I change the agreement when I want to?**

If your band lineup changes, such as by adding a new member or when a member leaves, you will want to review the document to see if anything needs to be updated. Generally, as long as everyone agrees to make a change, you can make adjustments to the agreement as needed. It is in fact a good idea to review the agreement annually. A good way to remember this is to review it when you file your taxes, as that is something you do annually.

### **What other things should I take into consideration?**

One of the big questions you will want to ask is what sort of legal entity your band will be. There are several possibilities such as a partnership or a limited liability company. Each has their particular benefits and drawbacks. A lawyer can help you decide which is best for you depending upon the state you are based in and where you are in your career.

You will also want to document clearly any other business related issues, such as how money is divided, and how intellectual property, such as music and lyrics, are handled. You should clearly define what the expectations of members are and what will be done should they not meet those expectations. Regular attendance at rehearsals and gigs are just one example of this, but you might also expect members to help write music, assist in spreading the word about events or help cover group expenses.

Having roles clearly defined can help avoid disputes when it comes to discussions on whether or not expectations are being met.

### **Who signs the agreement?**

Every member of the group will sign the agreement. This shows that they are consenting to being a part of the band and agree to all of the provisions of the agreement. It is always a good idea to make sure everyone reads the agreement thoroughly and has a chance to ask questions before signing.

Having an agreement in place will help you to more easily manage the business side of the band as well as prevent conflicts within the group, which will then allow you to get down to doing what you formed the band to do in the first place, make music!

\*\*Any collaboration or business endeavor should have a written agreement signed by the parties involved. We are using the term Band Agreement for narrative ease and because bands are one of the more common forms of creative collaboration.