

## Contracting Terms Reference Sheet



### **Contract:**

a legally enforceable written or spoken agreement, with enforceability varying based on documentation and circumstances.

### Representation Agreement/Contract

Terms agreed upon by both artist and manager.

This includes

- Permission for the manager to represent the artist's work
  - Includes which works are available for performance
- The length of the contract (year, etc.)
- The territory in which the manager will represent the artist (ie. North America, globally, etc.)
- Exclusivity
- Is there an automatic renewal of the contract?
- The artist giving the manager all marketing materials for distribution
- How the manager and the artist is going to get paid
- Touring fees/projected touring fees
  - Must include an acknowledgement that the artist will mutually agree with the fees that agent/manager is quoting on the behalf of the artist
- Crediting
- Billing
- Non-negotiables/Deal Breakers
- Visas and Taxes (who is paying for it)
- What kind of insurance is needed

### Engagement Contract

Terms agreed upon by both presenter and artist/manager.

This includes

- Parties to the contract
- Schedule of Services
- Fee and Payment Schedule/Details
- Presenter and Artist Responsibilities (i.e. housing, transportation, freight, technical requirements etc.)

- Crediting & Billing
- Marketing and Publicity Materials (use and terms)
- Non-negotiables/Deal Breakers
- Force Majeure and Cancellation
- Visas and Taxes (who is responsible for them, are they needed?)
- What kind of insurance is needed
- Venue Exclusivity
- Reproduction, Licensing, and Rights
- Territory Law
- Additional Documents (i.e. technical rider)

### **Exclusivity:**

#### Between Artist and Manager

In what territory is the manager allowed to represent the artist (i.e. North America, Globally, etc)

#### Between Artist and Venue

Each venue has a clause about exclusivity. This, meaning that there is a limit on how close that artist can perform to their already contracted venue.

### **Force Majeure:**

A clause included in contracts to talk about liability in case of the unforeseeable and unavoidable events that cause the engagement not to happen.

### **Deal Memo:**

A two-page summary of the engagement with all terms. Deal memos usually include a confirmed date, tech rider, payment schedule, and can stand as a legally binding contract if the full contract is not signed within a certain number of days.

### **Confirmation of Terms:**

A written agreement, confirmed by both the venue and manager that states the following

- The artist/show being performed
- Number of shows
- Dates of shows

- The fee
- Rough Production Schedule

**Acceptance of terms:**

Actions that accept the terms of the engagement without written or verbal confirmation. (i.e. Sending first payment, public publicity, selling tickets)