

## **BAND STRUCTURE CHECK LIST**

1. a) Names of all members  
b) Addresses of all members
2. The legal structure of the band  
 individuals       company       unit trust
3. Date of commencement of deed
4. Name of band
5. Who will own the band name?
6. Restriction on individuals using name whether solo or with new band member
7. Capital contribution to running costs. By whom? When?
8. Goodwill - (should be \$zero).
9. Structure  
 partnership       company
  - a) If partnership:—
    - i) Duration of partnership
    - ii) Define purpose of partnership as accurately as possible.
  - b) If company:—
    - i) directors
    - ii) shareholders
    - iii) accountant
    - iv) shareholder agreement
    - v) banker - who and where? Cheque signatories?
10. Each partner to contribute expertise etc. and attend recordings etc per contractual commitments.
11. Ownership of instruments and equipment  
  
Will the individuals retain ownership of the instruments?

If yes —

will the partnership pay for insurance maintenance repair and replacement of instruments ?

If no —

- (a) will the partnership/company actually buy the equipment? or
- (b) will the value of the instruments be categorised as a loan? or
- (c) will the value of the instruments be categorised as a capital contribution?

12. Distribution of income and profits

- i) recording
- ii) publishing
- iii) merchandising
- iv) performance
- v) other

13. Departing members.

Do they retain % of works/recordings in existence to which they contributed, but no share of performance etc?

N.B. cross recoupment of previous albums' costs may mean no royalties off earlier discs.

14. Dissolution of partnership

- i) causes
- ii) days to cure
- iii) disability or refusal to perform
- iv) winding up of company (if applicable)
- v) notice of member leaving group
- vi) arbitration if disputes arise

15. Document should be a deed to ensure that it is enforceable.

16. Consider any special contractual obligations common to all members which may need particular attention.

Simpsons Solicitors  
Suite 1202, 135 Macquarie Street  
Sydney NSW 2000

Phone: (+ 61 2) 9247 3473  
Fax: (+ 61 2) 9247 3442  
email: [info@simpsons.com.au](mailto:info@simpsons.com.au)