

BAND STRUCTURE CHECKLIST

A list of the principal issues to consider
(see also the "Internal Band Partnership Checklist")

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? Who has authority to operate account?
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
 - (a) recording
 - (b) publishing
 - (c) merchandising
 - (d) performance
 - (e) other
13. Departing members.

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

N.B. cross recoupment of previous albums' costs may mean no royalties off earlier recordings.
14. Dissolution of partnership
 - (a) causes
 - (b) days to cure
 - (c) disability or refusal to perform
 - (d) winding up of company (if applicable)
 - (e) notice of member leaving group
 - (f) 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.