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Frequently Asked Questions: Music Licensing

By:

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In our ongoing effort to answer as many frequently asked questions of meeting professionals, we now turn our focus to music licensing.

Is music protected by copyright law?

Yes, music is protected by copyright law. As an original work of authorship, the U.S. Copyright Act protects music just as it does photographs, books, software, plays, artwork, and many other forms of creative work. The creator of the work owns the work unless the person created the work in the scope of their employment (then the employer owns the work) or if there is a written agreement that the work is a “work made for hire” (then the hiring company owns the work).

What are the rights of owners of music?

Copyright protection consists of a bundle of rights, including the right to reproduce, distribute, and display the work, the right to prepare works derived from the original, and the right to publicly perform the work. Each of these rights can be licensed separately. When a copyrighted work is used without the owner’s permission, the use constitutes copyright infringement unless the use falls within one of the exceptions (see below).

If my organization does not own the music, how can we get permission to play it?

When it comes to public performances of copyrighted music, a logistical problem is created by virtue of the large amount of individuals and organizations that may want to perform copyrighted material and the limited resources of the author to negotiate with potential licensees. As a result, performing rights societies (American Society of Composers, Authors and Publishers or ASCAP, Broadcast Music, Inc. or BMI and SESAC, Inc. or SESAC) license public performance rights on a nonexclusive basis for performers. They license the music for public performance, collect fees

and pursue those who don't have a license or pay the appropriate fees. These performing rights societies offer organizations a "blanket" license agreement in which the group can pay one fee per year for all music played during the year at the organization's conferences and events.

Are there any exceptions to the obligation to obtain a music license?

Yes the U.S. Copyright Act provides exceptions to when a license would be required. Those exceptions include music played in the course of services at a place of worship or other religious assembly. Therefore, with regard to religious conferences, it is important to delineate between music played in the course of a religious service and music played at dinners, gatherings, etc. For non-religious services, a music license must be obtained.

As you can see, music licensing is an important issue and one which requires proper planning. It is essential to secure music licenses whenever they are necessary to ensure compliance with the law.

Barbara Dunn is an attorney and partner with Howe & Hutton, Ltd, a law firm which specializes in the representation of groups in the meetings, travel and hospitality industry. She can be contacted at bfd@howehutton.com.