

# BMI® and the PRLA

## Music Licensing 101

### Webinar

February 21, 2018

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# Overview

- Copyright Basics & Exclusive Rights
- What Is A Public Performance?
- BMI – A Service Organization
- BMI Music & Award Winning Catalog
- Where Does The Money Go?
- BMI License for Restaurants & Bars
- BMI's Partnerships with restaurant association members



# Copyright Basics

A copyright is a form of protection for intellectual property provided by the laws of the United States (Title 17, U.S. Code) for the creators of “original works of authorship,” including literary, dramatic, musical, artistic and certain other intellectual works.



# Life of a copyright....

Copyrights last until 70 years after the death of the owner (author, composer, etc.). After that, the work may go into “public domain” and may no longer require a license.

As in “real” property (buildings, land, etc.), intellectual property cannot be used without permission from and payment made to the owner.



# Types of Music Copyrights

- Mechanical
- Synchronization
- Master Use
- Digital Performance Right in Sound Recordings
- Public Performance



# Public Performance

The “all rights reserved” notice on DVDs lets you know that the copyright owner has granted permission for private use, and playing them before a public audience (such as in a business) is prohibited.

The same restriction applies to the purchase of CDs, MP3s and other digital audio files. The copyright owner has granted permission to listen to or perform the music privately (at home or in the car).



# To Perform Publicly Means

- To perform at a place open to the public or at any place where a substantial number of persons outside of a normal circle of family and its social acquaintances is gathered;
- To transmit or otherwise communicate a performance to a place specified above by means of any device or process.



# Performing Rights Organizations

- Who are the players and where did they come from?
  - BMI
  - ASCAP
  - SESAC
  - GMR (new player)





# Public Performances Include:

- Live entertainment
- Recorded music
  - CDs, DJ, Karaoke, MP3s and other digital audio files, Free-play jukebox, DVDs, Radio & Television



Carrie Underwood

Foo Fighters

Shakira

Herbie Hancock

Kanye West

# Commercial Music Services (CMS):

- Are already BMI-licensed for the public performance of that product for *background ambiance only*.
- Any other or additional music uses (live band, dancing, karaoke, cover charge, DJ, etc.) require a separate BMI license.



# Commercial Music Services:

- Commercial Music Services
- Satellite Cable Providers- DirecTV, Dish, Comcast, etc:
- Are only BMI-licensed for public performance of specified commercial-free music channels;
- This license does not authorize performance of music in any other TV programming, including sporting events or commercial advertisements.
- A separate BMI license is required for such use.
- Mood Media –DMX, Pandora For Business, Muzak.
- 



# The Role of PROs

- One simple agreement
  - saves the business owner time and money by not having to contact each publisher/songwriter for permission to play their music publicly.
  - provides a blanket license so that business can play any or all of songs in a PRO's repertoire for one flat rate.



# Why 4 PROs and What Am I Playing?

- Creation of BMI created competition to lower rates.
- BMI and ASCAP represent the majority of music you are playing.
- SESAC has a small percentage with several high profile artists on their roster and is very aggressive.
- GMR—new player; started by Irving Azoff



# The Benefit of a Public Performance Licenses for Restaurants and Hotels

- Simplicity – BMI license fees are based on frequency of music use and occupancy of your establishment.
- Flexibility – Access to all of the works in a PRO's catalogue.
- Protection – From the potential penalties associated with copyright infringement.



# BMI and the PRLA

- Association Discount Program-  
savings of up to 20%
- Partner on PRLA Songwriters  
Events









# Where does the money go?

BMI does not make any profit on licensing fees.

After operating costs, BMI distributes 88 cents of every dollar collected from licensing fees directly back to our songwriters and publishers.



# BMI – Connecting Songwriters with the Businesses that Play their Music

To learn more, visit us at

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