



**BMI**

# Pulling Back the Curtain on Music Licensing

California Craft Brewers Ass'n  
Fall Conference  
December 7th, 2018  
Santa Rosa, CA

# Overview

- ▣ Copyright Basics & Exclusive Rights
- ▣ What Is a Public Performance?
- ▣ The PROs
- ▣ Where Does The Money Go?
- ▣ The Songwriter's Perspective
- ▣ The Legal Obligations
- ▣ BMI's Association Discount Program
- ▣ Questions?

# Copyright Basics

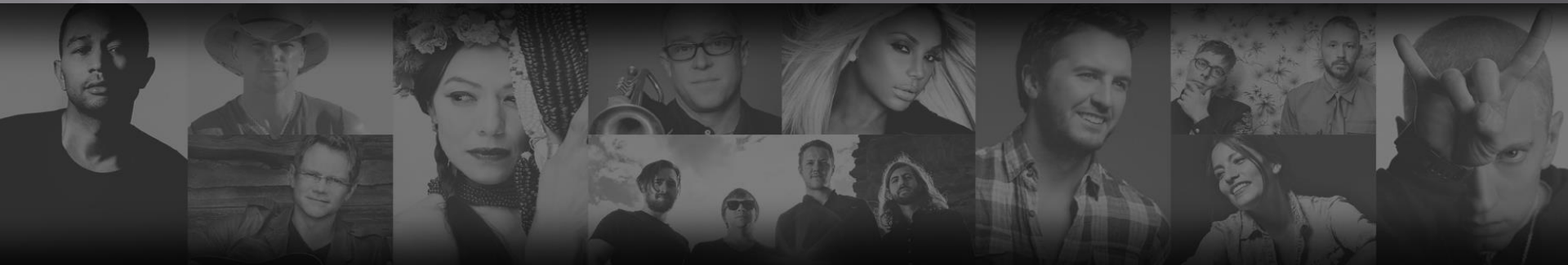
A copyright is a form of protection for intellectual property provided by the laws of the United States (Title 17, U.S. Code) for the creators of “original works of authorship,” including literary, dramatic, musical, artistic and certain other intellectual works.



# Life of a copyright....

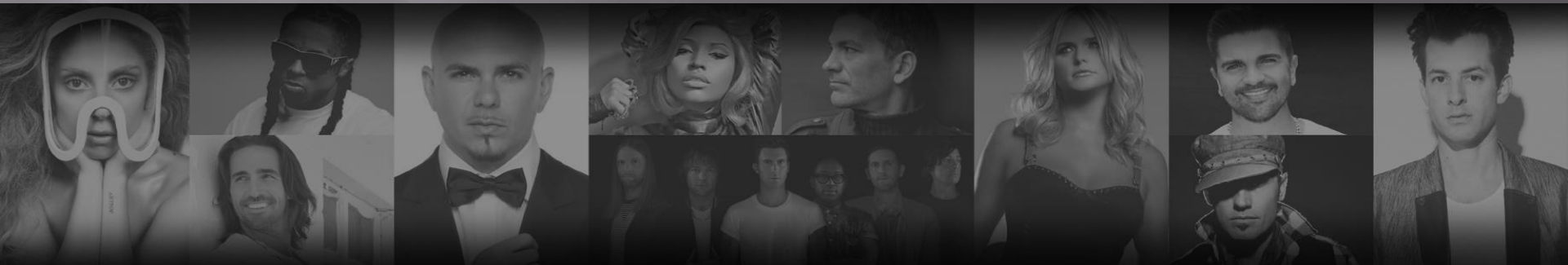
Copyrights last until 70 years after the death of the owner (author, composer, etc.). After that, the work may go into “public domain” and may no longer require a license.

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



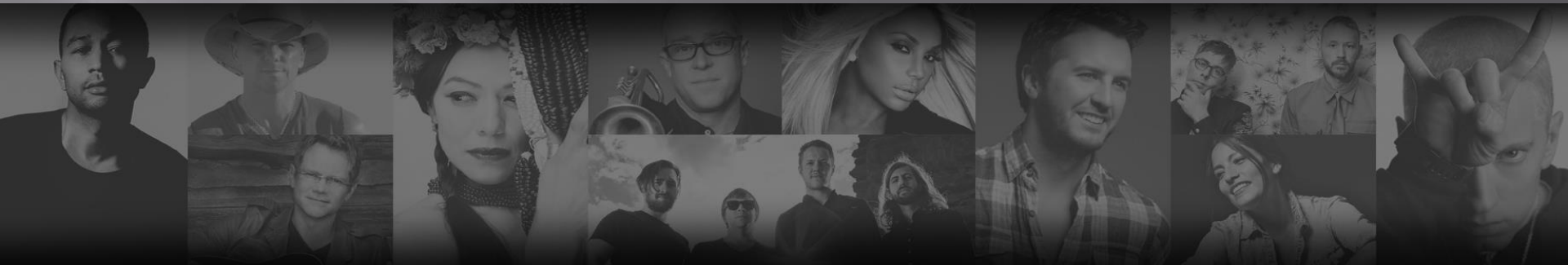
# Exclusive Music Rights of Copyright Owners

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



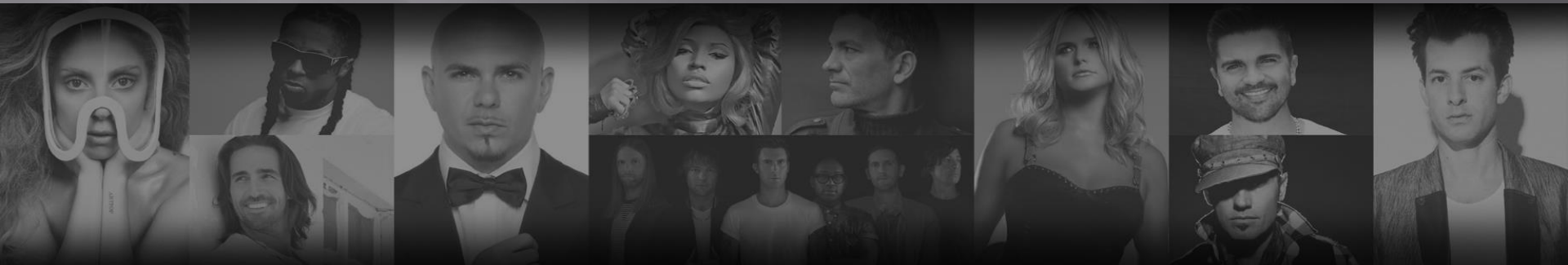
# Public Performance

- ▣ “All rights reserved” on DVD’s mean 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.



# Public Performances Include:

- ▣ Live entertainment
- ▣ Recorded music
  - CDs, DJ, Karaoke, MP3s, iPods  
Free-play jukebox, DVDs, Radio & Television





# Commercial Music Services

Are already 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.

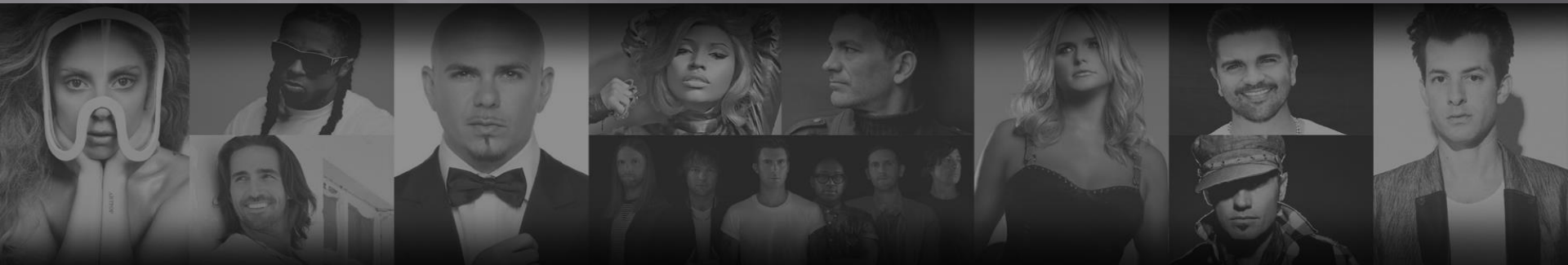
# Who are the players?

BMI

ASCAP

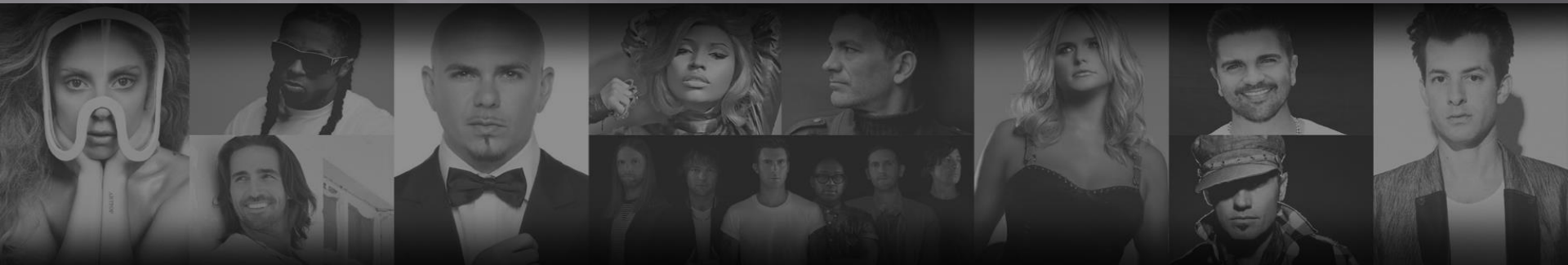
SESAC

GMR



# Benefits of a Music License

- ▣ Simplicity - License fees are based on frequency of music use and occupancy of your establishment.
- ▣ Convenience - Multiple payment options.
- ▣ Flexibility - Blanket access to PRO catalogue
- ▣ Protection - From the potential penalties associated with copyright infringement.



# What Happens If I Don't Secure A License?

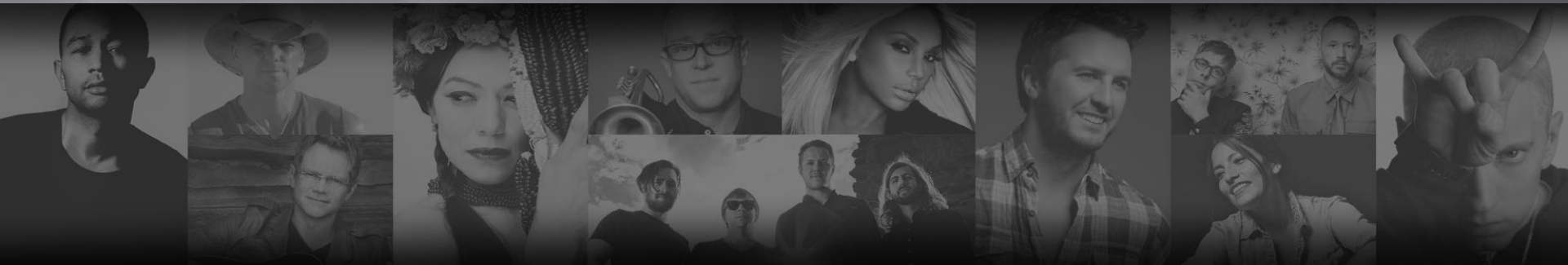
- Possible Copyright Infringement
- May be subject to a civil suit in federal court
- Statutory damages of up to \$30,000 per song performed.
- The infringer could have to pay the copyright owners' legal fees.
- BMI pursues legal action as a last resort.



# Where Do The Licensing Fees Go?

BMI is a non-profit making organization.

After operating costs, BMI distributes more than eighty-eight cents of every licensing dollar collected from licensing fees directly back to our affiliated songwriters and publishers.



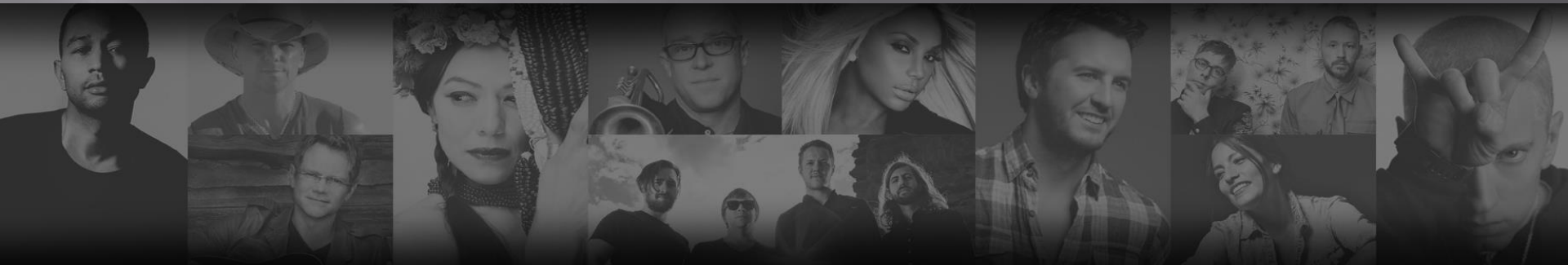
# The Songwriter's Perspective:

Randy Sharp- Grammy-winning songwriter whose songs have been recorded by Art Garfunkel, Emmylou Harris, Alabama, Patty Loveless, Reba McEntire, Linda Ronstadt, Glen Campbell and the Dixie Chicks to name a few. Seven of Randy's songs have been No. 1 Country singles.



# Association Member Discounts

- ▣ Brewers Association members are eligible for the following annual discounts:
  - 5% Association Discount off your BMI Music License fees for restaurants, bars and breweries.
  - 5% Association Online Discount when you pay your BMI bill online
  - Additional 10% Discount for all BMI customers who pay their licensing fees in full within 30 days of invoice.



**BMI** &



P R E S E N T  
**NASHVILLE SONGWRITERS TOUR**

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**SATURDAY, AUGUST 11 • HUGH MITCHELL & AARON BARKER**

6:00PM | RIVERTOWN BREWING COMPANY (MONROE)

**SUNDAY, AUGUST 12 • HUGH MITCHELL & AARON BARKER**

2:00PM | BREWDOG (CANAL WINCHESTER)

**TUESDAY, AUGUST 14 • HUGH MITCHELL & AARON BARKER**

7:30PM | CROOKED HANDLE BREWING (SPRINGBORO)

**WEDNESDAY, AUGUST 15 • JASON WHITE & EVEN STEVENS**

7:00PM | WARPED WING BREWERY (DAYTON)

**THURSDAY, AUGUST 16 • JASON WHITE & WILL BOWEN**

7:00PM | GROVE CITY BREWING (GROVE CITY)

**FRIDAY, AUGUST 17 • AARON BARKER & WILL BOWEN**

7:00PM | ZAFTIG BREWERY (WORTHINGTON)

**SATURDAY, AUGUST 18 • AARON BARKER & WILL BOWEN**

8:00PM | COMBUSTION BREWING (PICKERINGTON)

**SUNDAY, AUGUST 19 • EVEN STEVENS & WILL BOWEN**

5:00PM | ROUNDHOUSE DEPOT BREWING (BELLEFONTAINE)

**MONDAY, AUGUST 20 • EVEN STEVENS & EARL BUD LEE**

7:00PM | THE LAIRD ARCADE BREWERY (TIFFIN)

**TUESDAY, AUGUST 21 • AARON BARKER & EARL BUD LEE**

7:00PM | RAILROAD BREWING (AVON)

**WEDNESDAY, AUGUST 22 • AARON BARKER & EARL BUD LEE**

7:00PM | LOCKPORT BREWING (BOLIVAR)

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ALL EVENTS ARE FREE ADMISSION





# BMI/OCBA Nashville Songwriters Brewery Tour



Questions?

Contact Dan Spears at BMI  
[dspears@bmi.com](mailto:dspears@bmi.com)

