



NATIONAL GOLF COURSE OWNERS ASSOCIATION

Source: *SESAC.com*

Q: I heard that the copyright law was changed and now certain performances of music do not require a license. Can you provide me with specific information?

A: YES, certain changes to the LAW were made that affect only certain radio and television performances.

The "Sonny Bono Copyright Term Extension Act", which is also referred to as the "Fairness In Music Licensing Act of 1998" is the name of the bill that affects licensing requirements for certain radio and television performances. President Clinton signed the bill on October 24, 1998, and it became effective 90 days later on January 27, 1999.

A limited use of radio and television re-broadcasts (if specific criteria are met), and product demonstration in stores selling equipment used in the performance (if specific criteria are met) can be exempt from music licensing fees. The bill does not affect live music uses or other mechanical music uses such as records, tapes, compact discs, DVD, jukeboxes, karaoke and VCR, Internet streaming and personal computer.

If you meet the following criteria, you are not required to pay a license fee for specific performances of copyrighted music via radio and/or televisions:

If You Are A: Food Service or Drinking Establishment

There is no direct charge to see or hear the transmission (i.e. admission, membership fee, cover, minimum, entertainment or similar charge) in your establishment

And

A). Your establishment has less than 3,750 gross square feet

Or

B). Your establishment has 3,750 gross square feet of space or more

And

Radio Use: you have no more than a total of 6 speakers in the establishment with no more than 4 speakers in any one room.



NATIONAL GOLF COURSE OWNERS ASSOCIATION

Television Use: you have no more than a total of 4 televisions in the establishment with no more than one television in any room. No television can have a diagonal screen size greater than 55 inches and there can be no more than a total of 6 speakers in the establishment with no more than 4 speakers in any one room delivering any audio portion of the television broadcast.

If You Are An: Establishment, Other Than Food Service or Drinking

There is no direct charge to see or hear the transmission (i.e. admission, membership fee, cover, minimum, entertainment or similar charge) in your establishment

And

A). Your establishment has less than 2,000 gross square feet

Or

B). Your establishment has 2,000 gross square feet of space or more

And

Radio Use: you have no more than a total of 6 speakers in the establishment with no more than 4 speakers in any one room.

Television Use: you have no more than a total of 4 televisions in the establishment with no more than one television in any room. No television can have a diagonal screen size greater than 55 inches and there can be no more than a total of 6 speakers in the establishment with no more than 4 speakers in any one room delivering the audio portion of the television broadcast.

A food service or drinking establishment is defined as “a restaurant, inn, bar, tavern, or any other similar place of business in which the public or patrons assemble for the primary purpose of being served food or drink, in which the majority of the gross square feet of space that is nonresidential is used for that purpose, and in which nondramatic musical works are performed publicly”.

An establishment is defined as “a store, shop, or any similar place of business open to the general public for the primary purpose of selling goods or services in which the majority of the gross square feet of space that is nonresidential is used for that purpose, and in which nondramatic musical works are performed publicly”.



NATIONAL GOLF COURSE OWNERS ASSOCIATION

As defined in the bill, gross square feet is “the entire interior space of that establishment, and any adjoining outdoor space used to serve patrons, whether on a seasonal basis or otherwise”.

Q. My current entertainment policy includes the use of television programming supplied by a satellite or cable provider. Why do I need a SESAC Music Performance License?

A. The license agreements SESAC has with your provider and the stations carried over their systems do not extend to authorize the use of those programs. Copyrighted compositions represented by SESAC are regularly featured in sports, news, movies and entertainment programs, as well as in national or regional advertisements on virtually every television, cable and satellite station nationwide.

The SESAC license agreement for the audio-only background music product featured on many satellite and cable systems does provide limited authorization for that single source of music, however, that limited authorization does not extend to any of the other programming supplied nor does it extend to authorize any other performance of music not supplied by the satellite or cable system, such as tapes, compact discs or live music.

Licenses you may have with other performing rights organizations, background music suppliers, cable, or satellite providers in no way provide you with the authorization needed to perform SESAC represented copyrights via television transmissions.

Q: If I have licenses with ASCAP and/or BMI, why do I need a license with SESAC?

A: SESAC, ASCAP, and BMI are three separate and distinct Performing Rights Organizations (PRO). Each organization represents different copyright holders (songwriters, composers, publishers) and licenses only the copyrighted works of its own respective copyright holders. Licenses with ASCAP and BMI DO NOT grant you authorization to use the copyrighted music of SESAC represented songwriters, composers and publishers.

Since a license with ASCAP and/or BMI does not grant authorization to publicly perform songs in the SESAC repertory, most businesses obtain licenses with all three to obtain proper copyright clearance for virtually all of the copyrighted music in the world.



NATIONAL GOLF COURSE OWNERS ASSOCIATION

Q: Do I need a separate license to stream a radio station on the internet or broadcast in HD?

A: Yes. For commercial radio stations, SESAC offers an addendum to the radio station license specifically for stations streaming on the internet or broadcasting their signal in HD.

Q: What is the cost of SESAC licensing for a non-commercial radio station?

A. Follow this link for pricing information: <http://www.loc.gov/crb/fedreg/2007/72fr67646.pdf>