

Music Performance Licensing.....

Below is a press release by Caller Jerry Reed, who is currently the executive director of ARTS and former executive director of CALLERLAB. PLEASE READ IT VERY CAREFULLY. This is a very important topic and all dancers, students, teachers, callers, cuers, prompters should be aware of this.

When you book a teacher, caller, cuer, or prompter, you must ensure he or she is licensed. Just because they are a member of the Florida Callers Association or the Round Dance Council of Florida, doesn't mean they have the coverage. They receive a new card every year when they renew. You should request a copy of this card every time you write a contract. It doesn't matter that you have known the caller, cuer, or prompter for 50 years, you still need to request a copy of their card **every** time. The copy should be attached to the signed contract and kept in your files. This is for your protection.

This licensing also affects clubs that are incorporated, homeowner associations if they have dances or musical entertainment in their community, churches, etc. anywhere copyrighted music is being used.

If you are ever found to be in violation, the teacher, caller, cuer, or prompter will be fined. A dance or club can also be fined. We're not talking about a several hundred fine; we're talking about several thousand dollar fines. I don't know of a club in Florida that could pay a fine like this and if your club isn't incorporated, who do you think will be fined?

Music Performance Licensing Can Affect Your Club

By Jerry Reed

Many callers, dancers, and club officers are still expressing concerns about the agreements between Broadcast Music, Incorporated (BMI), The American Society of Composers, Authors and Publishers (ASCAP) and CALLERLAB. This Press Release is intended to address many of these concerns and lead to a better understanding of the licensing agreements.

Point One: It's illegal to play copyrighted music in public without the author's permission, which is a "license". It would be impossible for each author to license songs individually, so BMI & ASCAP were formed to manage the licensing. Anyone who performs or plays copyrighted music needs a license.

Normally, the event's organizer is responsible for obtaining the required licenses. For commercial concerts, that's usually the promoter. For commercial trade shows, it's the trade-show organizer or individual booth-holder. For square dances, it's the dance sponsor. Most dances are club-organized, so the clubs are responsible for being licensed.

Point Two: Over the past 50 years, BMI and ASCAP have turned their sights to square dancing several times; however, there was never an easy way for them to track down square dance clubs for licensing and enforcement. At one point they discovered square dance publications, which made it easy to find clubs. They mailed out about 7,000 contracts to individual clubs and callers. This made people realize their exposure and caused much concern.

BMI & ASCAP offered their standard deal: \$22 per dance, payable on an annual basis, in advance. For many clubs, that would have been devastating. It would have been impractical and nearly impossible for clubs to negotiate for better terms. In addition, many new clubs would face an impossible up-front expense.

Point Three: As an alternative, CALLERLAB2 & ROUNDALAB approached BMI & ASCAP on behalf of square dancing and round dancing, and arranged to offer licenses to their Members. This was very appealing to both BMI and ASCAP, because they would only need to deal with one customer for square dancing and one customer for round dancing. This arrangement was also good for the activity because of the negotiations undertaken by CALLERLAB and ROUNDALAB. Therefore, the result was a much better price for music performance licensing. This arrangement also meant the clubs would be protected by the caller's and cuer's license. As part of the negotiations BMI & ASCAP insisted that the U.S. Members be licensed.

Please remember, this licensing problem was not initiated by CALLERLAB or ROUNDALAB. BMI and ASCAP are service organizations, similar to CALLERLAB or ROUNDALAB. They provide a service to their Members. Their purpose is to collect royalties on copyrighted music for their Members. They are supported by Federal law in their efforts to collect these royalties.

Point Four: To help protect your club, CALLERLAB recommends that clubs add the following to contracts or agreements with callers: "I CERTIFY THAT I WILL BE LICENSED BY BMI AND ASCAP TO PERFORM COPYRIGHTED MUSIC AT YOUR CLUB DANCE."

Point Five: If a club has a signed contract without this statement, CALLERLAB recommends that the club contact the caller as soon as possible to verify that they will be licensed by the time they call a dance. If the caller indicates that he/she will not be licensed, the club must take steps to protect itself by negotiating a release from the contract and booking a caller who will be licensed or obtain a license directly from BMI and ASCAP to cover the dance. Clubs may contact CALLERLAB to determine if the caller is a CALLERLAB Member and is licensed.

Point Six: If BMI or ASCAP representatives visit a square dance, they will determine if the club, caller or cuer are licensed. The penalties can be as high as \$20,000 per copyrighted song performed and/or up to 10 years in federal prison for each violation. Since club officers are typically considered to be the sponsors of a dance, they might be the ones usually named in the lawsuit. Legally, however, the caller and/or cuer could also be named in the lawsuit.

Point Seven: Clubs are protected by hiring only callers who are licensed. Clubs need to know that all CALLERLAB Members in the U.S.A. are licensed to perform BMI and ASCAP music.

If you have questions or would like to clarify any of these points, contact

1. Jerry Reed at 321-794-9645 or DirectorARTS@aol.com
2. Dana Schirmer, Executive Director of CALLERLAB at 785-783-3665 - 800-331-2577 - info@callerlab.org
3. Mac Letson, American Callers Association - 256-383-7585 - Loulet@Aol.com