



## Information Sheet

Q: Who is SESAC?

A: SESAC was founded in 1930 as the Society of European Stage Authors and Composers. Since that time SESAC has significantly expanded the number of songwriters and publishers represented and its repertory now includes all music genres. As a reflection of this change S.E.S.A.C. became SESAC, Inc.

SESAC is the second oldest of the three Performing Rights Organizations (PRO) in the United States. The Copyright Law of the United States, Section 101 defines a PRO as "an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI) and SESAC, Inc."

SESAC is also a member the international Performance Rights Organization CISAC, as well as member of many trade and business organizations and associations. Additionally, SESAC has licensing agreements with many foreign PRO's.

Q: What service does SESAC provide?

SESAC acts as clearinghouse between the creators and owners of copyrighted music and those who wish to play this music in their businesses. SESAC offers a blanket license agreement that is recognized as the most convenient and cost effective method to obtain the required authorization to perform (play) all of the copyrighted music in the vast SESAC repertory.

Q: Why Should I Have a SESAC Performance License?

A: If you are using someone's property (song) there is a moral and legal obligation to obtain the owner's permission. Under the Copyright Law of the United States, anyone who plays copyrighted music in a public establishment is required to obtain advanced permission from the copyright owner, or their representative. If you play any copyrighted song in your business without proper authorization you are breaking the law and can be held liable for damages, from a minimum of \$750 up to a maximum of \$150,000 per song played!

IT'S GOOD BUSINESS! Not only is music an important component in satisfying your customer's expectations and differentiating your business from your competitors, by displaying your SESAC decal, you show the public that you recognize the value of music and are complying with the Law.

The Better Business Bureau has developed a brochure that provides additional information concerning the Law and music users responsibilities. You can also contact SESAC directly at 1-800-826-9996 to speak with one of our licensing representatives.

**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 songwriters, composers, publishers and copyright holders, and each organization licenses only the copyrighted works of its own respective affiliated copyright holders. Licenses with ASCAP and BMI do NOT grant you authorization for the right to use the copyrighted music of SESAC represented songwriters, composers, publishers or copyright holders.

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

Q: If others perform music in my place of business, can I, the owner/operator, still be held liable for copyright infringement?

A: YES. The Copyright Law of the United States, and subsequent case law, clearly states that the owner or operator of an establishment where music is played is required to obtain the required advanced authorization for the performance of copyrighted music on the premises.

Q: Who is responsible for music licenses for rented/leased areas such as meeting/banquet rooms, reception halls, or ballrooms?

A. The Copyright Law of the United States, and subsequent case law assigns the responsibility for obtaining authorization for copyrighted music played in rented or leased areas to the owner/operator of the establishment.

Q: What kinds of music does SESAC represent?

A: All kinds! SESAC has grown over the decades and currently represents a significant amount of music written and performed in the United States in every musical genre. SESAC has been serving music users throughout the U.S. and abroad for over 70 years with a diversified repertory including Folk Music, Big Band, Jazz, New Age, Easy Listening, Adult Contemporary, Urban, R&B, Top40, Pop, HipHop, Rock, Rap, Blues, Country, Bluegrass, Gospel, Contemporary Christian, Latin/Hispanic, Tejano, Salsa, Caribbean, Polka, Band, Choral, Classical, Educational, and Children's music, as well Radio, Cable, TV and Internet jingles.

SESAC represented songs have been awarded Grammy, Clio, Dove, MTV, VH-1 and CMA awards, as well as scores of Gold and Platinum records. Artists and performers from all genres of music have performed SESAC represented works.

Q: Can I determine through the information on records, tapes, compact discs and sheet music which songs are represented by SESAC?

A: NO! Relying on label information to determine PRO affiliation is often an ineffective strategy.

Performance Rights Organization (PRO) information on record, CD and tape labels, when present, is frequently outdated, incomplete or inaccurate. This results from several factors:

PRO information on label copy becomes outdated when a songwriter or publisher changes affiliation and joins a different PRO.

Due to the space limitations on cassette tapes and compact discs, many times PRO information is omitted all together.

Often songwriters will collaborate, and the names of all of the co-writers of the song may not be listed.

Record companies are under NO obligation to furnish the correct PRO affiliation information on label copy, as it would be impractical for them to attempt to recall and correct all records, tapes and CDs every time a writer or publisher changed affiliation. Additionally, the U.S. adherence to the international Berne Convention in 1989 removed the requirement for notice of copyright and correct PRO affiliation on label copy. As of March 1, 1989, copyright notice is not required on published works.

Q: If I do not know if the music being played in my establishment is copyrighted, can I still be held responsible for copyright infringement?

A: Yes. As the owner/operator of an establishment, it is your responsibility to make sure that you have obtained all of the required copyright clearance authorization for all copyrighted works performed on your premises.

Q: What is a blanket license?

A SESAC license authorizes you to perform all of the songs in the vast SESAC repertory as often as you like, without having to worry about trying to obtain permission for each individual song performed. This is called a blanket license, as a result of its extensive coverage.

A blanket license is very practical. It would be virtually impossible for you to know in advance every song that will be used in your establishment. Even if you were able to accomplish this, it would be extremely challenging and expensive for you to contact each copyright owner, of each song you plan to play, in order to obtain their permission.

SESAC provides a blanket license allowing you to utilize any or all of the copyrighted musical compositions in the SESAC repertory for a modest fee. The blanket license has long been recognized as the most efficient, economical and convenient way of clearing rights of copyright holders in the United States. In fact, the U.S. Supreme Court summarized the virtues of the blanket license in *CBS v. Broadcast Music, Inc.*, 441 U.S. 1 (1979) as follows:

"... the blanket license developed ... out of the practical situation in the marketplace: thousands of users, thousands of copyright owners and millions of compositions. Most users want unplanned, rapid and indemnified access to any and all of the repertory of compositions and the owners want a reliable method of collecting for the use of their copyrights...

"A middleman with a blanket license was an obvious necessity if the thousands of individual negotiations, a virtual impossibility were to be avoided. Also, ...(individual licenses would pose) a difficult and expensive reporting problem for the user and policing task for the copyright owner. Historically, the market for public performance rights organized itself largely around the single-fee blanket license, which gave unlimited access to the repertory and reliable protection against infringement." *Id.* at 20-22.

The SESAC blanket license offers freedom and convenience to music users across the country. Due to difficulties encountered in anticipating musical performances and in locating all of the songwriters, composers, publishers and copyright holders in order to negotiate individual licenses in advance of each performance, the SESAC blanket license is an efficient, time-saving asset.

Q: Do I have any other option to obtain the required authorization to perform copyrighted music?

A: Yes, while SESAC offers the convenience and low cost of a blanket license authorizing the performance of all of the songs in the SESAC repertory, you have the option of contacting each copyright owner of each song you wish to play. As an alternative to a blanket license you can negotiate a separate license agreement directly with each copyright owner of each song you will play.

Q: Do I have to pay for music licenses when I have already paid for the DJ, band or purchased the records, discs or tapes to be played in my establishment?

A: The Copyright Law of the United States, states that the owner or operator of the establishment where the music is being played is responsible for obtaining the required authorization. The compensation you provide to a performer such as a DJ or band does not relieve you of this obligation. When you purchase a record, tape, compact disc, DVD or similar product you are granted the authorization for a non-public performance, such as in your home or car. There is no public performance right attached to the sale of these products and if you decide to play this music in your establishment you are required to obtain authorization from the copyright owner or their representative.

Q: What types of businesses are licensed with SESAC?

A: SESAC licenses all types of establishments and broadcast entities that use music in their business operations. Through licensing, SESAC grants copyright clearance authorization to the establishments and collects music royalties on behalf of SESAC affiliated songwriters, composers, publishers and copyright holders.

In addition to Television, Radio, Satellite and Cable Operators, SESAC Licensees include restaurants, nightclubs, taverns, hotels, motels, resorts, health clubs, skating rinks, web sites, amusement parks, water parks, stadiums, auditoriums, arenas, convention centers, airlines, professional sport teams, country clubs, dance schools, colleges and universities, retail stores, shopping malls, museums, planetariums, theaters, concert promoters, cruise ships, festivals, and circuses. Click here for available licenses.

Q: What happens if I ignore my responsibility to obtain permission to perform copyrighted music?

A: Those who perform copyrighted music represented by SESAC without the required permission may be determined by the courts to be willful infringers. This status subjects the unlicensed music user to damages ranging up to \$150,000 for each song performed without proper authorization.

It is much more practical to simply secure a low-cost SESAC blanket license and be assured that you are covered for any and all SESAC represented copyrighted music that is performed on your premises.

The information above can be found at: [http://www.sesac.com/licensing/general\\_licensing\\_faq.aspx#lf](http://www.sesac.com/licensing/general_licensing_faq.aspx#lf)