



BMI

**MUSIC
LICENSING
FAQ**

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QUESTIONS ABOUT MUSIC LICENSING AND YOUR BREWERY? BMI TAPS INTO THE CONVERSATION

WHAT IS A PUBLIC PERFORMANCE OF MUSIC AND WHAT IS THE PERFORMING RIGHT?

A “public performance” of music is defined in the U.S. copyright law to include any music played outside a normal circle of friends and family. Songwriters, composers, and music publishers have the exclusive right to play their music publicly and to authorize others to do so under the copyright law. This is known as the “Performing Right”. This right was designed to enable and encourage music creators to continue to create music, much the same way that patents encourage inventors to invent. Every business or organization is required by law to obtain permission from the copyright owners of the music they are playing before playing it publicly – either directly from the songwriters/publishers or via a blanket license through performing right organizations like BMI.

WHAT IS BMI?

BMI is a performing right organization (PRO) that’s been in operation for over 80 years. As a global leader in rights management, BMI licenses businesses and organizations that use music in a cost-effective and convenient manner while protecting the performing right of its affiliated songwriters, composers and music publishers. BMI is recognized in U.S. copyright law as a licensor of music, and currently represents more than 1.3 million copyright owners and their over 20.6 million works.

WE HAVE A LICENSE WITH ANOTHER PERFORMING RIGHT ORGANIZATION. DO WE STILL NEED TO LICENSE WITH BMI?

A music license with another performing right organization allows you to perform only copyrighted music represented by that organization. It does not cover public performances of the award-winning music licensed by BMI. This is because each songwriter or composer may belong to only one performing right organization at any given time, so each PRO licenses a unique repertoire of music.

WE PURCHASED OUR OWN MUSIC TO PLAY. ISN'T THIS OUR PROPERTY TO PLAY ANYWHERE?

Although most people buy digital audio files, CDs, LPs or games with the impression that they now own the music on them, there is a distinction in the law between owning a copy of the music and owning the actual songs that are played. When you purchase music in any format, even if it’s specifically marketed for business purposes, the purchase price covers only your private listening use, regardless of how they are labeled. Once you decide to play any copyrighted music publicly, you need permission from the copyright owners. In most cases, that permission comes in the form of a music license. A BMI music license saves music users a significant amount of time and expense of contacting each songwriter or composer for permission to play their music publicly.

DO WE NEED A BMI LICENSE IF WE ONLY PLAY ORIGINAL MUSIC?

The term “original music” generally means musical works written by the performing musicians. That doesn’t mean, however, that the musicians are not affiliated with BMI. This is because licensing organizations like BMI are the vehicles through which songwriters and composers are compensated for the public performances of their music. In addition, one of the purposes of BMI is to help foster the development of up-and-coming songwriters, many of whom perform in public areas such as yours. Many times, these performers are asked to play songs known by the general public that was written by someone else to add to the entertainment. These performances also require permission.

IF MUSICIANS ARE PLAYING LIVE MUSIC, AREN'T THEY RESPONSIBLE FOR PUBLIC PERFORMANCE FEES?

Since your business is benefiting by the performance of music, the business owner is responsible for ensuring it is properly licensed. This responsibility cannot be passed on to anyone else even if musicians hired are independent contractors.

DO WE NEED A LICENSE TO USE RADIOS, TVS AND/OR STREAMING SERVICES?

If your business uses music from radio or television and is over 3,750 gross square feet, then you do need a BMI license. Under U.S. Copyright Law, there are some exceptions for businesses that are under 3,750 gross square feet using tv and or radio; however, they must meet certain criteria. Only Pandora For Business or Sirius XM For Business streaming services include performance royalties in their service fee – and even then, they only cover fees for background music. Any other streaming service or music use would require an additional license.

DOES MY COMMERCIAL MUSIC SERVICE COVER LIVE MUSIC OR KARAOKE?

No, they only cover that specific use. All other music would require a license.

I ONLY HAVE LIVE MUSIC IN THE SUMMER. HOW CAN I CHANGE MY BMI FEE?

You can call your BMI rep at 888-689-5264 and change your music use up to three times per year.

HOW ARE MY BMI FEES CALCULATED AND WHERE DO THOSE FEES GO?

Your BMI fee is based on the official occupancy of your business as determined by the local fire marshal, and the amount and type of music that you use. The money collected from your licensing fees are then redistributed as royalties back to the songwriters, composers and music publishers represented by BMI.



**MUSIC MOVES
OUR WORLD**