



MUSIC LICENSING & BROADCASTERS



TWO COPYRIGHTED WORKS, TWO SETS OF RULES MUSICAL WORKS VS. SOUND RECORDINGS

- A **musical work** is the written notes and lyrics of a song
 - Copyright is owned by the songwriter and music publisher
 - Has had federal copyright protection for over 100 years
- A **sound recording** is the recorded version of the song
 - Copyright is owned by the record label
 - Has had limited federal copyright protection since 1972

MUSICAL WORKS LICENSING

- Radio and TV stations need license to publicly perform musical works on all platforms
- Licensing done through PROs
 - Songwriters choose their PRO and publishers must abide by that decision
 - BMI & ASCAP – largest and oldest PROs; subject to consent decrees for antitrust violation
 - SESAC & GMR – newer entrants; no explicit oversight from Department of Justice
 - SESAC reached settlements with RMLC & TMLC
 - GMR has been sued by RMLC
- RMLC & TMLC act as nonexclusive licensing agent for radio and TV stations respectively



GLOBAL MUSIC RIGHTS



ascap



TELEVISION
MUSIC
LICENSE
COMMITTEE, LLC



Subject to DOJ consent decrees
Rates negotiated by the RMLC/TMLC
Federal rate courts as backstop

Rates negotiated by the RMLC/TMLC
Antitrust suits led to arbitration as
backstop

Rates offered unilaterally by GMR
RMLC has sued; GMR countersued.
Interim license in effect

WXYZ-FM
WZYX Ch. 12

SOUND RECORDING LICENSING

- Radio stations need sound recording public performance license only for streaming
- Statutory license that allows non-interactive streaming subject to:
 - Rates set by Copyright Royalty Board
 - Performance complement rules
- Royalties collected by SoundExchange
 - Money split evenly between record labels and artists
- No sound recording public performance license needed for:
 - OTA radio broadcasts
 - All TV broadcasts



COPYRIGHT ROYALTY BOARD



Streaming rates set by CRB
NAB represents radio stations
Payments and reporting to SoundExchange



MAJOR ISSUES

- PROs & Fractional licensing
- Music licensing legislation
- Small broadcaster streaming
- Performance complement
- Podcasting

QUESTIONS FROM MEMBERS...



“Someone
called me
re...

“I’m just coming across this
... mail – was I
... ing

“My station is tiny and yet
SoundExchange wants me to pay
as much as those stations in New
York when I’m streaming music.
Isn’t there a rate for us little
guys?”

FURTHER QUESTIONS?

Garrett Levin – glevin@nab.org

Shawn Donilon – sdonilon@nab.org