



“Protect the Lodge, Protect the Mission” LICENSING FOR USE OF COPYRIGHT MUSIC

The Legal Department is periodically notified that ASCAP, BMI and SESAC have been investigating and sending documents to lodges for licensing that allows them to use copyrighted music for certain functions in the Lodge. In general, fraternal organizations are exempt from needing licensing except under certain conditions.

The United States Code, Title 17, Section 110(10) (Federal Law) states: (10) notwithstanding paragraph (4), the following is not an infringement of copyright: performance of a nondramatic literary or musical work in the course of a social function which is organized and promoted by a nonprofit veterans' organization or a nonprofit fraternal organization to which the general public is not invited, but not including the invitees of the organizations, if the proceeds from the performance, after deducting the reasonable costs of producing the performance, are used exclusively for charitable purposes and not for financial gain. For purposes of this section the social functions of any college or university fraternity or sorority shall not be included unless the social function is held solely to raise funds for a specific charitable purpose.

In other words, performances (music) are exempt only when attendance is limited to members and their guests and only if the proceeds from the performance, after deducting the reasonable costs of producing the performance, are used exclusively for charitable purposes and not for financial gain. Keep in mind that Lodges are primarily fraternal, not charitable.

If your Lodge is following these guidelines, you do not have to get a license from ASCAP, BMI or SESAC. However, if your lodge is sponsoring or holding any event, whether on or off the lodge premises, that is open to the public, such as a community service event, at which music will be played, you will need to get a license from ASCAP, BMI or SESAC to avoid copyright infringement. ASCAP, BMI and SESAC hold the licensing rights for different writers and songs, which is why you may need licenses from more than one organization. These organizations offer single event/performance licenses, but if you plan on doing more than three (3) non-exempt functions where music will be played, it may be more cost effective to purchase a yearly license.

Copyright infringement can be very costly. The following link shows why it is so important to either stay within the fraternal copyright exemption or get a license:

<http://georgiaipit.blogspot.co.uk/2013/01/bmi-music-publishers-bring-copyright.html>

Music Licensing FAQ's may be found at:

<http://www.bmi.com/licensing/faq>

<http://www.ascap.com/licensing/>

<http://www.sesac.com/Licensing/Licensing.aspx>