

Music Performance License

Copyright law entitles authors of sound recordings of original works of authorship (e.g., dramatic, musical) to a number of exclusive rights, including public performance of the recordings. So a public performance of recordings must either be authorized by the copyright owners or fit within a statutory exemption.

A public performance is one that occurs either in a public place or any place where people gather (other than a small circle of a family or its social acquaintances) or one that is transmitted to the public (e.g., performed in private but broadcast via the internet). So if a Grange hosts a performance that is open to the public, or broadcast on the radio or online, that would be a public performance for which a license is needed.

On the other hand, there is a short list of performances exempt from needing a license. For example, if a Grange Hall is rented out for a private wedding or a party, a license is not required. Nor is a license required for music performed as part of a worship service unless that service is transmitted publicly (e.g., by radio or television broadcast). **Any Grange talent contest or show or ritual event where admission is not charged is exempt from the license requirement.**

Copyright infringement has a three-year statute of limitations, however, each successive violation of a copyright is a new infringing act with its own statute of limitations. So although early performances would be time barred, performances within the statute of limitations are likely fair game.

If a performance at a Grange is public and does not qualify for any exceptions, the following general rules apply:

If music is performed live for the public at a Grange hall venue, what is the responsibility of the performers vs the venue to have a license for the specific performances they are giving?

Only one entity is required to have a license. It would be the organizer of the performance that is responsible for having a license for that performance. If a local Grange Hall venue organized and hosted an event to raise money for any given cause, for example, and invited a performer (e.g., a singer or a band), the local Grange would likely have to have a license for the performance, provided it was of a copyrighted work, and not entirely original material belonging to the performer.

License Terms and Fees and Next Steps:

Licensing terms and fees depend on a number of factors, including the type of business entity, the number and type of performances, the seating capacity, and gross ticket receipts, if applicable. Depending on the license type, we may be able to negotiate a license for either the individual performance, the specific location, or a blanket license for the entire Grange organization. But first, it would help to identify how the Granges are using copyrighted music, if at all. The answers to the survey questions would help us determine the best approach.

The National Grange will investigate getting a blanket license to cover all individual Granges, but we really need this information to enable us to apply. I urge you to please complete the survey so we can help you with this issue.

Fraternally,

Betsy E. Huber, National Master