

## **Copyright Law and Your Jukebox – Q & A**

### **From the Jukebox License Office.**

If you own or operate a jukebox (coin-operated phonorecord player), you need to know that the United States Copyright Law protects the copyright owners of the music played on the jukebox. This brochure explains your responsibilities under the U.S. Copyright Law for licensing these public performances of copyrighted music (or songs) on your jukebox.

### **What are my responsibilities under the United States Copyright Law?**

Under the U.S. Copyright Law (Title 17, Section 106), copyright owners (i.e. songwriters and/or music publishers) have the exclusive right to authorize public performances of their music. This means you may not publicly perform copyrighted songs without the prior permission of the copyright owner or their designated representative(s).

### **What is a "Public Performance?"**

To perform a song "publicly" means to perform (or play) it at a place open to the public (e.g., restaurants, bars and arcades) or at any place where a substantial number of people outside of a normal circle of family, friends or social acquaintances is gathered (e.g., fraternal organizations and country clubs).

### **How can I possibly obtain permission from the copyright owners of every song on my jukebox?**

As a practical matter, it would be very difficult to do so. The Jukebox License Office (JLO) understands the enormous burden and impracticality of such a task for you as a business person. The JLO makes it convenient and economical for you to obtain the permission you need for your jukebox by serving as a "clearinghouse" that provides authorization to perform virtually every copyrighted song in the United States and much of the world.

### **What is the JLO?**

The JLO is a joint venture of the United States performing rights organizations, ASCAP, BMI and SESAC. ASCAP, BMI and SESAC combined represent essentially every copyrighted song in the United States and much of the world. The JLO offers a license known as the Jukebox License Agreement which provides total access to all songs in the ASCAP, BMI and SESAC repertoires. The Jukebox License Agreement is a single, economical, annual license that provides the authorization required to publicly perform copyrighted songs on your jukebox. Once you are licensed with the JLO, you will receive a certificate that must be displayed in the title strip holder of each jukebox you operate.

### **I already have licenses with ASCAP, BMI and SESAC. Why do I need to pay the JLO too?**

You don't. You have the choice of obtaining jukebox licenses from ASCAP, BMI and SESAC directly or you may contact each copyright owner individually. The Jukebox License Agreement, however, generally costs less, is more convenient, and is less of an administrative burden than these other options. If you have an establishment where music is performed by some means other than the jukebox (DJ's, bands, tapes, etc.), you will still need separate licenses from ASCAP, BMI and SESAC (or the individual copyright owners) covering these other performances. The Jukebox License Agreement only provides authorization for jukebox performances.

### **How do I know if my jukebox qualifies for the Jukebox License Agreement?**

Your jukebox, or "coin-operated phonorecord player," qualifies for the Jukebox License Agreement if it is a machine or device that:

- is used solely for non-dramatic public performances of music; and
- is operated by coins, tokens, currency or the like; and
- is operated by patrons of the establishment (not employees), who make their selections from a list of titles; and
- is located in an establishment making no direct or indirect charge for admission.

If your jukebox fails to meet any of these criteria, it does not qualify as a "coin-operated phonorecord player" under the Copyright Law and performances on that jukebox cannot be licensed through the JLO. If your jukebox does not qualify for the Jukebox License Agreement, you must contact ASCAP, BMI and SESAC directly, or the copyright holders themselves, to obtain authorization to perform music lawfully. If you are uncertain about any of these requirements, please contact us at the number listed on the home page.

### **Can you give me some examples of jukebox performances that would not be covered by the Jukebox License Agreement?**

Examples of jukebox performances NOT covered by the Jukebox License Agreement include, but are not limited to, jukeboxes...

- that are set on free play;
- that are played only by employees or entertainers;
- that are "roped off" and not accessible to the public;
- that are located in establishments where an admission fee is charged;
- that are video jukeboxes;
- that are karaoke jukeboxes;
- that are also used for advertising, games or other non-music options;
- that are downloadable or streamed

This license does not cover any device which: (i) receives and/or sends transmissions (i.e. downloads or streams) of musical works; and/or (ii) employs a hard drive for the storage of digital phonorecords or other recorded musical compositions.

**Don't I pay for the right to perform a copyrighted song publicly when I buy a compact disc, cassette or record?**

No. The right to publicly perform a copyrighted song in an establishment is controlled by the copyright owner (songwriter and/or music publisher), not record companies who sell the compact disc, cassette or record. When you buy musical product, it is intended for private listening. The purchase of musical product does not entitle the buyer to perform a copyrighted song in a public setting. That right must be granted by copyright owners or their representative(s). The JLO and performing rights organizations license this performance right on behalf of the copyright owner.

**Where do my license fees go?**

The JLO distributes approximately 95% of all money collected directly to ASCAP, BMI and SESAC, who, in turn, distribute royalties to the songwriters and music publishers they each represent. The remaining 5% of fees collected cover the JLO operating expenses.

**What happens if I do not obtain a license for performances of music on my jukebox?**

If you perform copyrighted songs without the required authorization, you are infringing upon someone's copyright and violating the U.S. Copyright Law. You risk legal action and, if you are a vending company, under certain circumstances, your location may be liable for copyright infringement as well. It is important for you to know that each unauthorized performance on your jukebox constitutes a separate act of copyright infringement which could cost you a minimum of \$750 and up to a maximum of \$150,000 per unauthorized performance. The JLO's annual licensing fee is minimal compared to the potential costs of infringement.

**How can I verify the credentials of the JLO?**

You can contact the Nashville Chapter of the Better Business Bureau where the JLO and its affiliated organizations, ASCAP, BMI and SESAC, are all registered. You can contact the Better Business Bureau at:

201 4th Avenue North, Suite 100  
P.O. Box 198436  
Nashville, TN 37219-8436  
Tel: 800-989-4222  
email: [bbbnash@aol.com](mailto:bbbnash@aol.com)  
<http://www.gobbb.org/>

**What types of music does a Jukebox License Agreement allow me to perform?**

The Jukebox License Agreement provides access to the combined repertoires of ASCAP, BMI and SESAC which represent practically every piece of copyrighted music in every format and style including Rock, Pop, R&B, Adult Contemporary, Country, Gospel, Latin, Tejano, Rap, Jazz, Classical, Folk, Blues, Big Band, Show Tunes, Christian, Reggae, New Age, Children's, Seasonal music and more.

**How can I tell if I am performing copyrighted music licensed by the JLO?**

If you don't perform copyrighted music, you don't need a license from the JLO. To determine whether a particular musical composition is in the repertoires licensed by the JLO, you may call the organizations directly at the following toll-free numbers:

- ASCAP 800-505-4052

- BMI 800-800-9313

- SESAC 800-826-9996

You may also access information about ASCAP, BMI and SESAC from their websites located at these Internet addresses:

ASCAP: [www.ascap.com](http://www.ascap.com)

BMI: [www.bmi.com](http://www.bmi.com)

SESAC: [www.sesac.com](http://www.sesac.com)