

Counselor Tara: I was recently at an ASCE Region Leadership Conference and enjoyed the multi-media PowerPoint presentations. I was curious if the inclusion of music in ASCE PowerPoint presentations or played at any ASCE event, nationally or locally, violate any type of copyright law?

Counselor Tara's answer is:

U.S. copyright law gives copyright owners the exclusive right to public performance of their copyrighted works. In the music arena, this means that any person wishing to play a copyrighted song in public (whether from a recording or with a live band) must receive a copyright license from the copyright owner. Of course, given the sheer number of copyrighted songs in existence today, it would be nearly impossible for persons looking to play the radio or hire a DJ for a public event to secure all the necessary copyright licenses. Fortunately, the music industry has provided a solution for this problem. Two performance licensing agencies, the American Society of Composers, Songwriters, and Publishers (ASCAP) and Broadcast Music Inc. (BMI) handle performance licensing for nearly every copyrighted song in existence. These agencies offer so-called "blanket licenses," with annual fees based on the type of use and the audience size, which allow license holders to play any song in the agency catalogue during the term of the license. ASCE maintains blanket licenses with both ASCAP and BMI, allowing performance of these agencies' music catalogues at all meetings and events held by ASCE, its Sections, Branches, and chapters. Of course, these blanket licenses do not provide protection for all uses of a copyrighted song. For example, distribution of copyrighted music or inclusion in a video presentation used outside of an educational setting may require a different form of license that, in general, must be negotiated with the individual copyright owner or owners. For more information on performance rights and licenses, see www.ascap.com or www.bmi.com, or, for general information, visit the U.S. Copyright Office website: www.copyright.gov.