

Hello All,

AYC will be entering in to the same music licensing agreement as last year. If your team is attending events hosted by AYC you are covered under the agreement. This includes your games and practices as well.

Below is the email I sent out last year for your review.

For those of you that don't know what music licensing is or if its needed, i offer this simplified explanation. When a musician/artist records a song, and publishes it, it belongs to them and they own the copyright. Musicians and Record labels, sell albums and or singles on platforms such as iTunes and or CDs to individuals with a license for the music to be used for personal use (i.e. at home, in your car, etc.) Any listening of the music outside a private setting may require a broader license, as offered by the artist or its agent, these agents for licensing are called a PRO. Using music without a proper license can carry significant fines under U.S. Copyright laws.

American Youth Football and Cheer has entered in to licensing agreements with the three major PROs (Performance Rights Organizations) ASCAP, BMI and SESAC to cover the music that you have selected for your use throughout your practices, AYF/AYC sanctioned events for the 2017 season.

By working with all three PROs virtually the entire library of all music ever recorded is available to your team.

If you have additional needs beyond what is covered in this license, don't worry we got you covered. You will not be in violation of copyright laws since we already have an open-ended license in place; we can tack your additional needs onto our existing licenses and either report the use and submit the applicable royalties on your behalf or you may contact the PRO directly and notify them that you are a member of AYF/AYC and submit your own report and royalties.

An expanded license may be needed for...

- Performances open to the general public, other than the sanctioned events would not be covered under the license in place.
- an exhibition, practice or performance in front of an audience larger than family members and a small circle of friends, (of course all coaches, trainers, and participants are not counted as audience members.)

*(For example, you would **not** need a license for your typical after school closed practice or, if your association decided to do a private practice (open only to family and friends) on a weekend and include a bbq and call it a training camp.)*

- Third party camps or clinics, such as Edge, Varsity, Etc., would need a license, but don't worry the third-party vendor would be responsible for reporting the music usage and paying the applicable licensing fees - not your team or organization.

How do we license music for the uses stated above?

1) identify each song that you are using and search for that song in the following databases (by following the links below) to determine which PRO(s) you need to file a report with.

- 2) Keep track of days on which you performed in public and on which the music was used.
- 3) Find out or approximate the size of the audience in attendance for each of the performances as identified in time 2 above.
- 4) At the end of the season, contact applicable PRO(s) directly through the contact information provided in myAYF.com, identify yourself as an AYF/AYC team and submit a royalty calculation worksheet and submit payment directly to the PROs. Alternatively, AYF is setting up a reporting system, and you can report to us and pay AYF and AYF will in turn submit the appropriate fees to the PROs.

<https://mobile.ascap.com/aceclient/AceWeb/>

<http://repertoire.bmi.com/startpage.asp>

<https://www.sesac.com/Repertory/RepertorySearch.aspx>

How expensive are the licenses?

A license to use music is based on attendance, if your total annual attendance is less than 15,000 then your fee **for the season** would be approximately \$230 per PRO, but you would only need to pay more than one PRO, if you are using the songs offered by more than one PRO. For example, if all your songs in your mashup are all licensed by ASCAP then you would only pay the fee once, if you used songs from BMI and ASCAP in your mashup you would need to pay each of them the applicable fee. If your mashup includes songs from all 3 PRO databases, then you would need to pay 3 separate annual fees or approximately, \$690.

IMPORTANT: You should submit to PROs, if possible at a conference level, or league, or association and not by team. If you submit based on an individual team, you will be paying more in licensing fees. Based on attendance it is entirely plausible that the royalties due by a whole conference would be the same amount due in royalties by an individual team, due to the fact that there is a minimum annual fee.

Why have we not needed this type of license before?

It's not that we/you haven't needed a license before, a license to use a song, other than for personal use, has always been needed. The plain truth is that, it is very unlikely that a PRO would seek to enforce fines against a youth non-profit organization, additionally it is not economically efficient for PRO's to seek out youth programs and pursue legal action against them, as the royalties they would likely recover, moving forward are pretty small and not worth the administrative efforts. To collect past damages and statutory fines, the PRO would have to prove past use- this did happen once against a girl scout group, and the backlash was tremendous, so it is pretty well established that this won't happen again. But in the end, legally a license is required and ethically you are using someone's property and they are entitled to compensation