

# frequently asked questions

## THE USA CHEER MUSIC COPYRIGHTS EDUCATIONAL INITIATIVE

Note: This information is from USA CHEER not the IHSAA

### **q: what is the USA CHEER music copyrights initiative?**

A: USA CHEER has developed an educational initiative to provide music producers, coaches and professional members and athletes and spirit leaders with the information needed to help all groups understand U.S. copyright laws regarding music usage as part of performances, routines, competitions, school events, camps, etc. These laws were designed to protect artists, promote creativity and ensure that artists are compensated for their creations. Our guidelines\* were developed out of respect for all artists and to protect our members and all those involved in routines, competitions and performances of any kind in which music is used. A PowerPoint presentation of the USA Cheer Music Copyrights Educational Initiative is available at [usacheer.net/music](http://usacheer.net/music).

\*This information is meant to provide further insight on our new music guidelines, which are based on copyright law. However, this information and our music guidelines should not be construed as legal advice. If you have specific questions or concerns related to copyright laws, we encourage you to speak with a music or copyright attorney.

### **q: who has music copyrights, and what is a bundle of rights?**

A: Copyright protection is granted to the authors of any “original works of authorship” including musical and other creative works. Under U.S. copyright law, a “bundle of rights” is granted exclusively to each artist/creator for their work. This bundle of rights includes the right to copy, distribute, publicly perform and make modifications such as remixes or mash-ups to their work. Only the copyright owners or those authorized by the copyright owners may exercise these rights. Anyone who exercises any of these rights in a musical composition, sound recording or both without written permission from ALL applicable copyright owners is in violation of U.S. copyright law. Each violation can incur up to a \$150,000 penalty per use.

### **q: when do US copyright laws around music usage apply?**

A: US Copyright laws apply any time music is not being used for personal use. Purchasing a legal copy of a song (e.g., iTunes, CD, Amazon download, etc.) only grants the user private, personal use of the music. Personal use is purchasing a legal copy of a song (e.g., iTunes, CD, Amazon download, etc.) which only grants the user private, personal use of the music. If you purchase a recording, that alone does not give you the right to make additional copies or mix the recording with other recordings for any other purpose—including use at school functions or other public performances. Personal use gives you the right to listen to the song, but does not give you any other rights in the bundle of rights to that piece of music, which is why the music should not be copied, modified (such as a remix or mashup) or used in a public place without additional consent.

### **q: when does this new initiative take effect?**

A: US Copyright laws apply any time music is not being used for personal use. Purchasing a legal A. Going forward, all recordings mixed together in cheer and dance routines should be properly licensed and written confirmation of such license should be available upon request. You can use recordings that you purchase from vendors cleared by USA Cheer - who provide written confirmation of proper licensing or original compositions created or commissioned by you (i.e. an original song and recording to which you own or license the rights by written agreement). Under U.S. copyright law, no teams are permitted to create a re-mix, mash-up or medley without proper written authorization from the copyright owners.

### **q: when does this new initiative take effect? (cont.)**

However, if teams and coaches wish to only use a single song in their routine, they may bring a legally purchased (from iTunes, Amazon, etc.) copy of that recording to be used at the applicable event. Teams may not re-mix these recordings in any way (such as adding sound effects, changing tempo or mixing with any other recordings), but you may make minor edits for timing purposes only (for example, removing a chorus or bridge to fit the duration of the team's performance).

#### **Remember:**

- 1) Do not use mash-ups, either created by you or sold by music providers using music without proper licensing.
- 2) Do not download songs from sites that do not have properly licensed music.
- 3) Do not copy or distribute to others a recording you have legally purchased.
- 4) Licenses/Permissions must be in writing (or via e-mail) and must be from all copyright owners.
- 5) If you request a license and you get no response, this does NOT mean you have permission.

### **q: what could happen if my team or group does not follow these rules/guidelines?**

A. Under U.S. copyright law, your team or school can be sued or fined up to \$150,000 per occurrence of using music for which you do not have the appropriate permission.

### **q: i downloaded my music legally or bought a cd--does that mean i can use it in routines or part of a performance?**

A. As a reminder, purchasing a legal copy of a song (e.g., iTunes, CD, Amazon download, etc.) only grants you the private, personal use of the music, not the right to make additional copies or mix the recording with other recordings for any other purpose—including use at school functions or other public performances. Under U.S. copyright laws, you cannot mix, edit or use music that you do not have copyright usage for during any kind of public performance. If you choose to use a single song in your routine, you may bring a legally purchased (from iTunes, Amazon, etc.) copy of that recording to be used at the applicable event. Teams may not re-mix these recordings in any way (such as adding sound effects, changing tempo or mixing with any other recordings), but you may make minor edits for timing purposes only (for example, removing a chorus or bridge to fit the duration of the team's performance).

### **q: i'm an event producer. how will this effect my events?**

A. In accordance with the updated guidelines based on U.S. copyright law, the use of music applies for any instance in which there is a competition or performance (local or national level). Both the team members and the individual event producers may be liable for copyright infringement with fines up to \$150,000 per occurrence. Event producers should not make any copies of the recordings submitted by each team and event producers should ensure that public performance licenses are secured for all venues. The approved music guidelines can be found at [usacheer.net/music](http://usacheer.net/music).

### **q: i'm a coach. how does this change how we select music or prepare for a camp, competition or performance?**

A. Coaches are responsible for ensuring the music used by their teams for any public performance and all competitions follow the USA CHEER music guidelines, found [HERE](#). Professional members need to be aware of the rules so that any music used in any routine you are a part of is in compliance with the guidelines. Remember teams can be liable for violations with fines up to \$150,000 per occurrence, under U.S. copyright law. More information to help understand U.S. copyright laws and the new USA CHEER guidelines can be found at <http://usacheer.net/presssafety/music>.

### **q: i'm an athlete or spirit leader. how do i choose music for my routines and performances?**

A. You will need to work with your coach and teams to use approved music that does not violate US copyright laws. You and your team can also create/compose your own music, or work with a

**q: i'm an athlete or spirit leader. how do i choose music for my routines and performances? (cont.)**

group that creates and composes original music meaning that such group would own the recording, composition and all related rights for that piece of music. If you choose either of those options, the group who created/composed the music must license or assign to you all necessary rights and provide you with documentation that can be shared with the event producer. You can also buy songs from individual musicians who compose original content and assign you any necessary rights to use the music. USA Cheer's music guidelines can be found at [usacheer.net/music](http://usacheer.net/music).

**q: where can i get more information about resources that can help me or my group find original music that meets the approved music guidelines?**

A: USA Cheer is exploring ways to build relationships with the entertainment industry, including music and production companies, to explore ways of working together.

**i am the owner of a music production company and can create music to these standards. what can i do?**

A: If your company is interested in being considered as a resource for approved music, please contact USA Cheer at [info@usacheer.net](mailto:info@usacheer.net).