

Camp Music Q&A

Updated 3/21/16

General

What led to this change, and why do we have to comply?

Varsity Spirit has been monitoring the music industry and saw that cheer and dance team music editors were being sued by record labels for violating copyright law. The music companies were getting very aggressive, and we wanted to protect cheer and dance teams (and their coaches) and help them comply with and reduce their exposure under US copyright law. Copyright infringement is a risk for any unauthorized uses of music.

What music can I bring to camp for our Home Routine/Home Pom Routine?

- **A popular recording** that you or a team member purchased from an authorized provider (like iTunes, Amazon MP3, or Google Play) that is played from the beginning and turned off when the routine is over. This recording cannot be edited or mixed with any other music.
- **Pre-mixed cover versions of popular recordings** from past Varsity Spirit summer camp music CDs that you already own. A small number of newly released cover music recordings for this summer will also be available on shop.varsity.com.
- **Cover versions** of popular recordings that can be edited and mixed with other recordings may be used only if the purchase includes a license with explicit rights to alter the recording and create new works using those recordings. One resource for cover versions is the website unleashthebeats.com. They have an online catalog of more than 50,000 recordings featuring both today's hits and yesterday's classics. On this website, you can buy a Master License for a particular recording that gives you access to the full master recording including clean vocals, instrumental mixes, and the right to edit and mix the recording with other licensed recordings.

How do I get cover music?

You have several options, including the pre-mixed cover music tracks from past Varsity Spirit summer camp music CDs. Last year's music is available on shop.varsity.com. We will also have a small number of newly released cover music tracks for this summer available on shop.varsity.com. These tracks will be available by April 1st.

If you want more variety, unleashthebeats.com has a catalog of more than 50,000 cover versions featuring both today's hits and yesterday's classics. They offer a Master License for a particular recording that gives access to the full master recording including clean vocals, instrumental mixes, and the right to edit and mix the recording with other licensed recordings. To learn more about this resource and to access their library of recordings, visit unleashthebeats.com.

Is unleashthebeats.com the only website we can use?

No, unleashthebeats.com is not the only music provider that you can use. However, this is best option that we know of at this time. Before working with a music provider, you should ask the following questions to be sure they are in compliance with music copyright laws:

- *Does the seller of the music own the recording and every element in it?*
- *Does your purchase of the recording also give you the right to edit and mix the recording with other recordings?*

· Did the seller pay mechanical license royalties to allow you to make a limited number of copies for your teammates of the composition embodied in the recording?

They should be able to confirm/prove that they can do all of these things to comply with music copyright laws for the recording.

Camp:

What is the easiest/lowest cost option for camp?

Using a popular recording that you or a team member owns that is played from the beginning and turned off when the routine is over. However, this recording cannot be edited or mixed with any other music.

How will this be regulated at camp? Do I have to bring proof?

You should receive a license from the person who sold you the music. We recommend that you bring that license to camp this summer if choose to use a cover.

What happens if we bring incorrect music to camp?

Teams are not legally allowed to edit and mix popular recordings from personal collections, including music purchased from places like iTunes, Amazon MP3, Google Play and other digital music stores. Should your team bring music to camp that does not follow these new guidelines, our staff will have several other recordings or original music pieces that teams can choose from to use during camp.

Why does it matter for a camp routine if it's not being recorded or broadcast?

Think of it like a form of stealing. Copyright infringement occurs immediately upon creation, regardless of whether such use is being recorded or broadcasted.

Under US copyright law, all artists enjoy a number of exclusive rights in the works they create. One of those rights is the right to copy or reproduce the work. If someone illegally downloads a song from the Internet, this is an act of copyright infringement because it violates the artist's right to reproduce their work.

Another one of those rights is the right to create a *derivative work*. A derivative work is a new copyrightable work, based on an existing copyrightable work (like a movie based on a book, a sequel to a movie, or creating a re-mix of someone else's song).

Does this affect our Fight Song performance?

It should not, as long as the recording of your fight song or any other band music was legally acquired (purchased from an authorized provider or provided by your school) and not edited or altered in any way.

What about our Choreography Camps?

When selecting music for competition, keep in mind that copyright infringement is a risk for any unauthorized uses of music.

Why didn't NCA customers get this?

Attendees of NCA Camps do not perform a Home Routine or Home Pom Routine at their camps.

Music Companies

How do we know if a cheer or dance music website follows US Copyright laws?

When looking for a music provider, here are the questions you need to ask them to be sure they are in compliance with music copyright laws:

- *Does the seller of the music own the recording and every element in it?*
- *Does your purchase of the recording also give you the right to edit and mix the recording with other recordings?*
- *Did the seller pay mechanical license royalties to allow you to make a limited number of copies for your teammates of the composition embodied in the recording?*

They should be able to confirm/prove that they can do all of these things to comply with music copyright laws for the recording.

Is unleashthebeats.com owned by Varsity?

No. And-- we are continuing to actively look for more resources that can provide music that is compliant with music copyright laws.

Music Licensing

Why can't I just pay a license fee to ASCAP/BMI etc. to play music just like a dance studio does?

Varsity Spirit already purchases blanket licenses that allow for public performances of all music at our camps and competitions. However, there is no blanket license available that would permit anyone to edit and mix popular recordings.

Only the group or individual that edits or mixes the music can obtain that permission, and that permission is granted only on a case-by-case basis. That group or individual should secure licenses and permissions to re-mix, edit or reproduce the music used in that routine.

If I can secure a blanket music license (ex. ASCAP), would I be able to use the original songs of my choice that fall under the blanket to mix, cut, edit, etc.?

Blanket music licenses only grant you the right to publicly perform a song or musical composition. Under music copyright laws, this license does not grant you the right to mix, cut or edit any composition, nor does the blanket license give you any rights in the recordings used in the mix.

Isn't there an exemption clause, in the ASCAP contract, giving some flexibility to non-profits (schools)?

Although there may be certain exemptions for the public performance licenses in connection with uses at non-profit educational institutions, this exemption does not extend to the creation of edited or remixed versions of the music.

Can Varsity Spirit secure the rights to songs and charge the coaches a fee?

Varsity Spirit already purchases blanket licenses that allow for public performances of all music at our camps and competitions. However, there is no blanket license available that would permit anyone to edit and mix popular recordings.

Varsity Spirit has been and will continue to actively look for more resources that can provide music that is compliant with music copyright laws. Once such resource is [www.unleashthebeats](http://www.unleashthebeats.com) and the site offers a vast selection of music for teams to choose from that comply with music copyright laws.

What is an arrangement license? Is this an option?

The arrangement license does not include the right to remix, edit or cut a recording with other recordings.

Once a song is commercially released, another recording artist may record that song, with a different arrangement — country song turned reggae, a pop song turned disco, etc. The arrangement license allows the artist to record the entire song, in a new recording with a different arrangement. The record company or person who paid to record the song typically owns the new recording. The owner of the underlying musical composition is entitled to a full mechanical royalty for the sales of copies of those newly arranged recordings, or the interactive streaming of those songs.

Competitions/Nationals

Will this be the rule for competitions or Nationals?

Yes, we will be following music copyright laws as we understand them today. When selecting music for competition, keep in mind that copyright infringement is a risk for any unauthorized uses of music. We are continuing to actively look for more resources that can provide music that is compliant with music copyright laws. In the meantime, here are the questions you need to ask your music provider to be sure they are in compliance (they should be able to confirm/prove that they can do all of these things to comply with music copyright laws for the recording):

- *Does the seller of the music own the recording and every element in it?*
- *Does your purchase of the recording also give you the right to edit and mix the recording with other recordings?*
- *Did the seller pay mechanical license royalties to allow you to make a limited number of copies for your teammates of the composition embodied in the recording?*

As always, we'll release the complete rules for the 2016-2017 competition season by May 15th.

What about our State competitions?

Any competition administered by Varsity Spirit will be following music copyright laws as we understand them today. When selecting music for competition, keep in mind that copyright infringement is a risk for any unauthorized uses of music.

Other

I am performing at a pep rally at school. Can I use iTunes music or not, and why?

Performing to an unaltered, unedited recording that was legally downloaded from iTunes or any other credible music provider should not be a problem, assuming your school has public performance licenses from the appropriate performing rights organizations (ASCAP, BMI & SESAC).

What about sound effects? Which ones can we use, and how do we know if they are original or not? I know that original voiceovers are ok, but what about sound effects?

This will depend on the specific source of the sound effects. Each source, whether it be a specific website or software, will have its own “terms of use.” You will need to review those “terms of use” to determine any restrictions on how their sound effects can be used. Generally you will only want to use sound effects that are provided on a royalty-free basis with no restrictions. It is best to steer clear of sound effects that do not allow “commercial uses.”

What if we use international music or instrumental versions of the original piece?

Nearly every piece of music, whether created in the US or abroad, whether it features instrumentals or vocals, are subject to the same copyright laws. The US has reciprocal agreements with all major foreign territories to ensure that foreign music is properly protected in the US, and vice versa. You may not use instrumental versions of recordings not purchased from suppliers who are not in compliance with US copyright laws.

How can DJs in clubs mix and play music and it be ok?

If they are performing live, i.e. while in the club, mixing the sounds from multiple turntables, the DJ is not making any copies, which would violate the copyright law. They are simply playing music, and no one is recording that music or making a copy. If a DJ is making copies and including those copies in custom mixes and playing those mixes, they are violating copyright law.