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AND THE BEAT GOES ON...

How the New Sonny Bono Copyright Revision of 1998 Allows Stores, Restaurants, and Bars to Broadcast Radio Audio Signals Over PA Systems Freely

Good news for most stores, restaurants, and bars! Since the passage of the Fairness In Music Licensing Act of 1998 (Section 110 of Title 17 U.S.C.), Congress has nearly eliminated the need for obtaining public performance licenses in order to play radio or television receivers for their customers' enjoyment.

With the passage of the new Act, the size of the establishment now dictates whether a store, restaurant, or bar needs to obtain a license. As long as a store, restaurant, or bar does not retransmit the audio signal elsewhere and complies with the audio requirements below, no license need be obtained.

Type of Establishment and Size*	Size*	Audio Requirements for Exemption
Store**	Under 2000 gross sq. ft.	No restrictions
	Over 2000 gross sq. ft.	6 Loudspeakers or less; no more than 4 in any one room or adjoining outdoor space
Restaurant	Under 3750 gross sq. ft.	No restrictions
	Over 3750 gross sq. ft.	6 Loudspeakers or less; no more than 4 in any one room or adjoining outdoor space
Bar	Under 3750 gross sq. ft.	No restrictions
	Over 3750 gross sq. ft.	6 Loudspeakers or less; no more than 4 in any one room or adjoining outdoor space

*Excludes area for customer parking. ** Stores that promote audio products or recordings, such as record stores, CD stores, or homevideo stores, need not obtain music licenses (Section 110(7) of Title 17).

Two words of warning. First, it is unclear at the present time whether this Act supercedes state and local laws governing the operation of music licensing. Some state and local laws may differ in the types of requirements for exemption. Second, because the requirements for exemption are so specific and liberal, if an establishment is found in violation, Congress has entitled the copyright owner to two times the amount of the license fee the establishment should have paid, in addition to any other damages that may be awarded.

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