

VI. MUSIC LICENSING REQUIREMENTS

Existing Agreements: The County holds agreements with performance rights licensing agencies American Society of Composers, Authors and Publishers (ASCAP) and Broadcast Music Incorporated (BMI). These agreements set rates of payment to ASCAP and BMI for the non-dramatic use of music in the ASCAP and BMI libraries at the Ford Theatres. To administer its agreements with ASCAP and BMI, the County shall withhold from the Licensee’s gross box office sales payments to ASCAP and BMI at the rates below and make required payment to ASCAP and BMI on Licensee’s behalf for non-dramatic use of ASCAP and BMI music in Licensee’s Event.

Rates: Rates withheld and paid to each performance rights licensing agency on Licensee’s behalf shall be:

ASCAP	0.8 % of gross ticket sales
BMI	0.8 % of gross ticket sales

Exceptions: If one of the following situations applies, Licensee may submit a request to the Ford Theatres to release withheld ASCAP and/or BMI payments if they are able to supply the required documentation as described herein:

- a) If Licensee has an existing promoter agreement with ASCAP and/or BMI and prefers to administer payments directly to ASCAP and/or BMI, it must provide a fully executed copy of the existing agreement/s to the Ford Theatres Administrative Office and a written request to County to forego payment administration to ASCAP and/or BMI for Licensee’s Event no later than three days following the completion of Licensee’s Event. If Licensee submits the required documentation to the County’s satisfaction, County will not withhold ASCAP or BMI payments from Licensee’s gross ticket sales and shall report to ASCAP and/or BMI that payment will be administered directly by Licensee.
- b) If Licensee does not use ASCAP or BMI music in their Event, Licensee must provide Ford Theatres Administrative Office with an accurate set list of all music performed in Licensee’s Event and a written request to County to forego payment administration to ASCAP and/or BMI for Licensee’s Event no later than three days following the completion of Licensee’s Event. Ford Theatres Administration shall have the right to verify Licensee’s set list with Event personnel and ASCAP and/or BMI music libraries. If, in County’s judgment, the Licensee is exempt from payment of fees to ASCAP and/or BMI, County will not withhold payments from Licensee’s gross ticket sales and shall report to ASCAP and/or BMI that the Event did not utilize ASCAP or BMI music. If County determines that Licensee did utilize ASCAP and/or BMI music, it shall not grant an exception and shall administer the required payment to ASCAP and/or BMI on Licensee’s behalf.

Dramatic Use: The County’s existing agreements with ASCAP and BMI cover the performance of music for non-dramatic uses only. If Licensee plans to utilize music from ASCAP, BMI, or any other third-party library for dramatic use, they must negotiate the appropriate performance rights for all music. To review the existing agreements and definition of terms “non-dramatic” and “dramatic” please visit: (Artists Workbook link to be added).