



New MUSIC Guidelines

WHY ARE THINGS CHANGING?

We have 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 U.S. copyright law.

COPYRIGHT INFRINGEMENT IS A RISK for any unauthorized use of music.



SUPPORTING THE ARTS

- **COPYRIGHT LAWS** are designed to protect and promote creativity.
- **ARTISTS OF ALL KINDS** must be compensated for their creations.
- **WITHOUT COPYRIGHT LAWS** to protect artists, there would be little incentive for your favorite artists to create your favorite songs, movies, TV shows, video games, etc.



COPYRIGHT BASICS

Under U.S. copyright law, a “**BUNDLE OF RIGHTS**” is granted exclusively to each artist/creator including the *exclusive* rights to:

- **Copy** the work
- **Distribute** the work
- **Perform** the work publicly
- **Make modifications**, new versions or other new uses, such as to make re-mixes and mash-ups



VIOLATING COPYRIGHT LAW

- **IT IS ILLEGAL** to make use of any of this “**BUNDLE OF RIGHTS**” without permission - also called a “license”- from the owner of the copyright.
- **PERMISSION** from both the record label and music publisher is usually required.
- **THERE ARE LIMITED EXCEPTIONS** in reasonable cases of “fair use,” like news reporting, commentary, criticism.
- The copyright owner might recover up to **\$150,000 FOR EACH INFRINGEMENT.**



PERSONAL USE

- **PURCHASING A LEGAL COPY** of a song – e.g., iTunes or Amazon download, CD purchase, etc. – **DOES NOT MEAN** the purchaser acquires the bundle of rights.
- **THE PURCHASE ONLY GRANTS** the user private, **PERSONAL USE** of the music, not the right to make additional copies or **MIX** the song with other songs for any other purpose.



IMPORTANT RULES FOR MUSIC

1. **DO NOT DOWNLOAD** songs from illegal sites.
2. **DO NOT COPY OR DISTRIBUTE** to others a recording you have legally purchased.
3. **DO NOT USE MASH-UPS**, created by you or sold by unauthorized providers in your routines.



GLOSSARY OF MUSIC TERMS

COVER: A new recording of a previously recorded, commercially released song by someone other than the original artist

ORIGINAL RECORDING: An original recording includes an original composition – which is a completely new composition, never before created, and that does not include any samples or snippets from any other composition – and an original recording of the original composition, also never before created.

MUSIC PROVIDER: Creates cover recordings and/or original recordings

MUSIC EDITOR: Provides the service of acquiring the rights to recordings, sound effects and voiceovers and makes an edited mix

SINGLE SONG: A legally purchased copy of a recording that can be edited for timing purposes (i.e., removing a chorus or bridge to fit the duration of the performance) but may not be remixed in any way (i.e., adding sound effects, changing tempo or mixing with other recordings); this may include the audio recording from a legally purchased music video



HOW DO WE KNOW if a music provider is following the music guidelines?

- To help our customers navigate the new music requirements, we have reached out to many current music providers to create a **PREFERRED PROVIDER LIST**.
- As they **SUBMIT THE APPROPRIATE DOCUMENTS** that certify they are following the USA Cheer music guidelines, they will be added to the PREFERRED PROVIDER LIST.
- A link to the PREFERRED PROVIDER LIST can be found on **varsity.com/music** and will continuously be updated as new vendors are confirmed.
- If a preferred provider is not following the guidelines, they will be **REMOVED FROM THE LIST**.



TYPES OF PREFERRED PROVIDERS

COVER MUSIC

- **Companies that provide COVER MUSIC** with the proper licensing to be able to edit the recordings as needed.
 - **MANY WILL PROVIDE** single purchase and package purchase of recordings that have the proper licensing **to be edited by you or your music editor.**
 - **SOME PREFERRED PROVIDERS** may also offer original recordings and/or editing services.

ORIGINAL RECORDINGS

- **Some Preferred Providers may offer FULL ORIGINAL MIXES** made specifically for your team with music **THEY CREATE AND OWN.**



NOTE ABOUT EDITORS

EDITORS DO NOT NEED TO BE PREFERRED PROVIDERS

- **Coaches/Teams may ONLY edit** – or use an editor to edit – original recordings or cover music purchased from a preferred provider
- **Coaches/Teams that obtain written permission** to edit music from the recording companies and all publishers may also edit – or use an editor to edit – the music they purchased.
- **Additionally, coaches/teams and editors should** only incorporate sound effects and voiceovers that they create on their own or are properly licensed.



IF YOU KNOW SOMEONE who would like to be a preferred music provider, please have them email one of the following:

Cheer questions to info@usacheer.net

Dance Team questions to dancemusic@varsity.com



WHEN DO TEAMS need to adhere to these guidelines?

- **THESE GUIDELINES** apply immediately.
- **THIS APPLIES** any time music is not being used for personal use.
- **THIS INCLUDES** camps, competitions, performances, etc.



MUSIC *Option 1: Single Song*

- **IF TEAMS AND COACHES** wish to only use a single song as the music for the entire routine, they may bring a legally purchased (from iTunes, Amazon, etc.) copy of that recording to be used at the applicable event. This also may include the audio recording from a legally purchased music video or recordings from past Varsity Spirit camp music CDs that you already own.
- **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 (i.e. removing a chorus or bridge to fit the duration of the team's performance).
- **ADDITIONAL CLARIFICATION:** You can edit for timing purposes, but the recording needs to remain in the original order. Also, you cannot use more than one recording per track.



Option 2: Cover Music

- **COVER MUSIC MUST BE OBTAINED FROM A PREFERRED PROVIDER** who will give you the rights to edit the cover recordings purchased from them.
- **WHEN YOU PURCHASE MUSIC** from one of these music providers, you may also be getting the rights to edit the recording with others from that provider. There is no limit on the number of recordings you can use to edit together.
- You should **CONFIRM WITH YOUR PROVIDER** as to whether or not their recordings can be edited with recordings from other providers.
- Covers may **ONLY** come from a **PREFERRED COVER MUSIC PROVIDER.**



Option 3: Original Recordings

- Original recordings **MUST BE OBTAINED FROM A PREFERRED PROVIDER.**
- The **ONLY EXCEPTION** is an original recording by a non-commercial music provider (i.e., an individual who does not operate a business and is not engaged in the business of creating music).
- **SHOULD YOU CHOOSE THIS OPTION** and your team is featured in a TV broadcast, your routine music may be used if synchronization rights are also secured.



Option 4: Permission & Payment TO PUBLISHERS & RECORD LABELS

- **TO USE POPULAR MUSIC** as a part of a remix, teams must get the appropriate **PERMISSIONS TO EDIT THE RECORDING and the UNDERLYING COMPOSITION OR SONG**. Teams must get permission not only from all music publishers, but from the record label as well. This permission should be a specific request to edit or remix, not just permission to use the recording/song as a part of your performance. **WHILE THIS IS AN OPTION, THIS CAN BE TIME CONSUMING AND EXPENSIVE AS YOU MIGHT NOT GET APPROVALS FROM THESE GROUPS IN TIME FOR YOUR PERFORMANCE.**
- **WRITTEN CONSENT IS REQUIRED** and emails with permission from an authorized representative of each applicable owner is sufficient.



Note about Fight Songs/Band Music

IF YOU ARE ATTENDING A CAMP OR COMPETITION AND WOULD LIKE TO PERFORM YOUR SCHOOL'S ORIGINAL FIGHT SONG, you may bring a recording of your marching band playing that song.

- You will need to get the school's permission to use the song and recording. A letter granting permission for the cheer or dance team to use the fight song on school letterhead is sufficient. It should be signed by the principal or other school official.



Note about Fight Songs/Band Music

IF YOU'D LIKE TO PERFORM TO A RECORDING OF YOUR BAND PLAYING A SINGLE MUSICAL COMPOSITION, you will need to provide documentation that confirms the following:

- The team has secured a compulsory license to make copies of the recording made by the band or orchestra
- The band or orchestra recorded the song for and in conjunction with the cheer/dance squad
- The school principal or dean was aware of and approved this recording
- The band or orchestra does not provide music to other cheer/dance squads
- That no other musical compositions are embodied in the recording to be used by the authorized cheer/dance squad



Note about Fight Songs/Band Music

IF YOU NEED ANOTHER OPTION TO FIND “MARCHING BAND” MUSIC, YOU CAN USE:

- A legally acquired recording of a band playing a recording from an authorized provider (iTunes, Amazon, etc). Like the single song option, this can be used as long as no edits are made to the music (other than for timing purposes).



WHAT WILL COACHES need to bring to camp and competition?

COACHES WILL BE REQUIRED to provide proof of licensing **at registration**:

- Proof of purchase from a preferred provider, OR
- If using a single song, receipt from purchase of single song, OR
- If using an editor, the editor does not have to be a preferred provider; however, they must be able to provide you with proof of purchase from a preferred provider and proof of licensing for all sound effects and voiceovers included in the mix, OR
- If using a non-commercial music provider, documentation that assigns all applicable rights to the team. **Contact info@usacheer.net or dancemusic@varsity.com to request the appropriate documentation.**



CAN WE USE sound effects in our music?

- **YES, AS LONG AS YOU HAVE PURCHASED** all of the rights to the sound effect, either on a website or you paid someone to create it and they licensed the rights to you in a written agreement.
- **IF USING AN EDITOR**, you must provide proof of purchase from a preferred provider and proof of licensing for all sound effects and voiceovers included in the mix.
- **SOUND EFFECTS ARE NOT ALLOWED** on a single song that has been edited for timing purposes.



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 permits editing recordings with other 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 edit the recordings used together in that routine.



HOW can Varsity Spirit live stream performances?

VARSITY SPIRIT will continue to obtain **PUBLIC PERFORMANCE LICENSES** wherever its events are held, as well as for the live streams.



Did you know...

THE NEW MUSIC GUIDELINES are not related to the live streams or television shows. Even if we did not air the shows on ESPN or the live streams, the new music guidelines would be in place.

OTHER EVENT PRODUCERS that are offering events that **DO NOT FOLLOW** these guidelines are putting coaches and teams (as well as themselves) at risk for damages for copyright infringement of up to \$150,000 per infringement.



IF YOU HAVE additional questions, contact your
State Director or All Star Advisor, or email:

Cheer questions to info@usacheer.net

Dance Team questions to dancemusic@varsity.com

This information is meant to provide further insight on our new music guidelines, which are based on U.S. 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.





Listen
Up!

Let's all stay on
the right track and
**keep the music
playing!**