

SECTION VII: MUSIC

OUR POLICY

Dance Team Union camps and competitions comply with all applicable laws. We will obtain the music license(s) we need as hosts in order to present our camps and competitions.

Our music policy for dance teams attending our camps and competitions is straightforward: you may perform to any music that complies with the law. The law permits you to use original songs, “cover” songs or so-called “exclusive” songs (generally new songs by “unknown” music artists) under various circumstances depending upon your team’s specific use. You should always legally purchase your music, and then you should obtain any necessary permission(s) for your music based on your own consideration of applicable law.

We note that in *Tresona Multimedia v. Burbank High School Vocal Music Association* (decided March 24, 2020), a court ruled that the use of a song as part of a show choir’s music mix for educational purposes (not for commercial profit) was fair use and did not require any permission by, or license fee to, the song’s license holder. The court also required the licensor to pay all of the show choir’s legal fees incurred in defending the suit. Although every team and music mix is different, dance teams should read about this case as part of educating itself about music use law, given that many dance teams use music similarly to the show choir and may decide they have a strong fair use argument. A link to the case is here:

<https://cdn.ca9.uscourts.gov/datastore/opinions/2020/03/24/17-56006.pdf>

FREQUENTLY ASKED QUESTIONS

- 1. Do you have a list of “preferred” music vendors whose songs are definitely acceptable at your competitions?**

No. We do not promote a “preferred” list of music vendors because we believe teams should have maximum creative freedom. Although we respect the rights of vendors that sell and/or mix covers of popular songs (and you are welcome to use those songs at our competitions, subject to our music policy), we believe encouraging or “preferring” that dance teams use covers instead of original songs takes profits away from record labels and original music artists. Generally, a dance competition company that “prefers” cover music vendors simply “prefers” them because the “preferred” cover music vendors have agreed to insure the dance competition company (not your team) against legal liability.

Creative freedom is a foundation of the dance team industry and Dance Team Union. We believe that a rule that encourages teams to use the music they want, while still honoring the legal rights of copyright holders, is most appropriate for our industry and our company. Thus, we repeat our general rule: you may perform to any music that complies with the law.

- 2. Why not just give us a list of music, vendors and edits that are definitely okay or not okay?**

Our simple rule that you may perform to any music that complies with the law, without detailing specific songs, vendors or edits that are definitely okay, is best for your team because:

- a. *Our approach permits maximum creativity.* Creating a “short list” of permissible songs, vendors or edits necessarily excludes other songs, vendors or edits that may be perfectly legal based on your individual circumstances.
- b. *Our approach allows you to control your team’s destiny.* You can and should educate yourself about copyright law and make your own determination. No one knows your team, your situation or your music needs better than you.
- c. *Our approach does not give you a false sense of security.* No competition company (including DTU) can provide you with legal advice or guarantee that your specific music mix is legally acceptable, given how many millions of possible variations of songs and types of edits you might use. A competition company might adopt a policy that certain specific music and/or a certain type of edit is permitted (or not) at its competitions, but that does not mean that (a) teams following that policy are complying with the law, or (b) teams NOT following that policy (or companies that choose to adopt a different policy) are “illegal.” **Competition rules are just competition rules - they are not the same as the law. Educate yourself about the rights of copyright holders and make informed music choices for your team.**

3. What will you require for compliance?

We will simply require you to confirm within the online registration process for our camps and competitions that you have read and understand all of DTU’s rules and regulations (including our music policy) and agree to comply with same. You should also have information about your music available in case a copyright holder has any questions about it.

RESOURCES FOR YOUR TEAM

For a richer understanding of the music permissions universe and how to protect your team’s copyrightable work (including your choreography and the right to broadcast your team’s performances), take a look at the FAQ published by the National Dance Coaches Association (NDCA), found here:

<https://www.facebook.com/notes/national-dance-coachesassociation/>

[ndca-faq-copyright-and-dance-teams/274095962980858](https://www.facebook.com/notes/national-dance-coachesassociation/ndca-faq-copyright-and-dance-teams/274095962980858)

This FAQ may also help you evaluate whether you may or may not need specific music permissions.