

## **ASCAP Targets 9 Bars Nationwide For Music Licensing Infringement, Including Willoughby Brewing Co.**

By Chuck Yarborough, Tavern League of Wisconsin

Cleveland, Ohio - Willoughby Brewing Co. is one of nine venues nationwide targeted in a new legal attack by ASCAP contending that clubs are "infringing" on songwriters' copyrights by playing music without paying a licensing fee.

"Music is enormously valuable to bars and restaurants, creating an emotional connection with patrons and providing the right ambiance to attract and retain customers," said ASCAP Executive Vice President of Licensing Vincent Candilora in a release announcing the action.

"Hundreds of thousands of well-run businesses across the nation recognize the importance of paying music creators to use their music, and understand that it is both lawful and right thing to do," he said in the release.

"However, each of the establishments sued today has decided to use music without compensating songwriters. By filing these actions, ASCAP is standing up for songwriters whose creative work brings great value to all businesses that publicly perform their music."

Telephone calls and emails to Willoughby Brewing Co. to comment were not immediately returned.

Cindy Barber, co-owner of the Breachland Ballroom and Tavern, said in a response to a Facebook inquiry for the input that the situation is ongoing - and troubling.

"All the venues are under the gun on this issue." Barber wrote. "Parkview stopped music largely because of it . . . so did Wine Spot in Cle Hts.

"When all 3 agencies (ASCAP, BMI and SESAC) are after you, it's a huge amount of money," she said.

Jackson Wagener, ASCAP's vice president of business and legal affairs, said in a telephone interview that the lawsuits almost always come after dozens of attempts to work out a solution, sometimes over the course of years.

"The most important thing to understand about the selection of the venues is that ASCAP views litigation as a last resort." Wagener said. "It is important to us obviously that our 600,000-plus members [receive] appropriate compensation when someone's using their intellectual property."

Wagener noted that the fees are part of "the cost of doing business," much like the purchase of alcohol for resale to patrons.

The desire is not to put anyone out of business. Wagener said.

"We spend enormous resources explaining [to businesses] that the average ASCAP member is a songwriter who depends on royalties to put food on the table, to pay the rent, to put their kids through school.

"[ASCAP] wants to explain why taking about a license and getting permission [to use the songs] is the right thing to do, not just the legal thing to do," he said.

*Reprinted from the TLW Newsletter (June 2017) with permission from the Tavern League of Wisconsin.*