



# ARKANSAS AUTOMOBILE DEALERS ASSOCIATION

## AADA NEWS AND UPDATE

APRIL 20, 2022



June 12-15, 2022  
21c Museum Hotel  
Bentonville

**90 YEARS STRONG**  
1932—2022

### **AADA 2022 Convention**

### **REGISTER TODAY!!**

There is still time to register and reserve your room at the luxurious 21c Museum Hotel in Bentonville for AADA's 2022 Convention on June 12-15.

After last year's incredibly successful convention, we have an even better one planned for you this year. Speakers include:

- Bradley Miller, NADA Chief Regulatory Counsel - Federal Regulatory Update
- Jonathan Wells, KPA - Surviving an OSHA Visit
- Robert Davis, Dixon Hughes Goodman, LLP - Understanding Compensation Litigation Tests

**For more information and to register [CLICK HERE!](#)**

Bentonville has rapidly become one of the top places in the country to visit, and this convention promises to be an experience you will not forget. It starts with 21c Museum

Hotel which is truly a first-class experience that is best described as a contemporary art museum meets boutique hotel. Other events include:

**DINNER AT CRYSTAL BRIDGES MUSEUM**  
**SUNSET OVER BENTONVILLE AT THE MOMENTARY**  
**GOLF**  
**ACTIVITIES FOR THE WHOLE FAMILY**  
**AND MUCH MORE**

For more information and to register [CLICK HERE!](#)

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**Movies, Television and Radio Broadcast Licenses:  
What Dealers Need to Know**

AADA has received several inquiries regarding letters from the Motion Picture Licensing Corporation (MPLC) addressing violations of Federal Copyright Law.

These notices have been received by dealers all over the country, and it appears now Arkansas dealers are a target. The information below should help clarify the legitimacy of these letters.

If your dealership is showing entertainment in your showroom, waiting areas, or employee break areas, you are most likely required to have a license to do so. Film, television programs, and music are copyrighted material. Displaying or showing copyrighted material in a commercial establishment is considered a public performance, which requires a public performance license.

There are very limited exceptions to the necessity of obtaining a public performance license. These exemptions generally will **NOT** apply to most dealerships. For more detailed information about exemptions, [CLICK HERE](#).

If a dealership has a commercial account with a cable provider or satellite provider, some of the content may be licensed for public performances (particularly some news and sports programs), and the fee for such license may be included as part of the commercial package's cost. Dealers should check with their cable or satellite provider as to whether a license is included in their package. However, most movie and

television content that would be displayed in a dealership will require an additional public performance license from a licensing organization.

### ***Options to Maintain a TV for Customer or Employee Viewing***

- 1) Purchase an umbrella license through MPLC and show the media within the license rules. The cost per location is \$289.00 per year; or,
- 2) Carefully manage all content on your TVs to display only non-copyrighted material. If you have purchased a cable or satellite "business" account that covers some commercial licenses to air cable programming, it may be possible to play "all news programming" or some "sports programming."

According to the MPLC, these business packages do not include public performance rights for all the content in the package. For example, you might be able to show some live sports or 24-hour news content on TV, but if the cable provider transitions into copyrighted programming you will have to change the channel in your waiting area or turn the TV off.

Do not allow customers access to the remote and ensure employees who monitor TV content are aware of the rules and can change the station or turn off the TV if needed.

### ***Obtaining Licenses***

MPLC is a legitimate organization, and they do have the authority to protect the owners of copyrighted materials. If the organization has made an effort to contact your dealership about this issue, they will likely follow up with you until you have formally addressed the issue. Copyright infringement can lead to significant liability, with statutory damages ranging between \$750 and \$150,000 per infringement, so it is wise to ensure that the proper licensing is in place.

Licenses typically are moderately priced and can be obtained from the following sources:

#### Audiovisual

- Motion Picture Licensing Corporation (MPLC): [MPLC.org](http://MPLC.org) or 800.462.8855

#### Music

- Broadcast Music, Inc.: [BMI.com](http://BMI.com)

- American Society of Composers, Authors and Publishers: [ASCAP.com](https://www.ascap.com)
- Society of European Stage Authors and Composers (SESAC):  
[SESAC.com](https://www.sesac.com)

For further insight, or if you have additional questions, we recommend that you consult with your dealership's legal counsel.

Thank you, and should you have additional questions, please contact our office.

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## **ADDITIONAL AND HELPFUL LINKS**

If you have any questions about this bulletin please don't hesitate to call, (501) 372-2596, or email Greg Kirkpatrick [greg@arkautodealers.com](mailto:greg@arkautodealers.com).