

MUSIC PERFORMANCE RIGHTS FOR COMMERCIAL BUSINESS ESTABLISHMENTS

Subscribing to MUSIC CHOICE® on DIRECTV for BUSINESS™ enables your business to use MUSIC CHOICE as background or mood music. The following provides you with guidelines regarding performance rights related to your MUSIC CHOICE DIRECTV® service.

1. If you are subscribing to MUSIC CHOICE, MUSIC CHOICE pays the performing rights for MUSIC CHOICE only. Keeping in mind the limitations set forth below, this means if you are currently paying performing rights to SESAC, ASCAP and BMI for music use and your sole music service is MUSIC CHOICE, you can notify SESAC, ASCAP and BMI that you are subscribing to MUSIC CHOICE and MUSIC CHOICE will be paying the performing rights.
2. Your MUSIC CHOICE service, however, does not eliminate other obligations for performing rights. The payment of performing rights for all other music sources that you use in your place of business, such as jukeboxes, music through your TV, music delivered from DIRECTV® programming services other than MUSIC CHOICE and all others, is still your responsibility. Please refer to your Commercial Customer Agreement, which provides:

[DIRECTV] SHALL HAVE NO LIABILITY TO ANY PERSON OR ENTITY DUE TO OR BASED ON THE CONTENT OR YOUR EXHIBITION OF ANY OF THE PROGRAMMING OR OTHER SERVICES PROVIDED BY US INCLUDING, BUT NOT LIMITED TO, LIABILITY FOR THE PAYMENT OF ANY REQUIRED MUSIC LICENSE FEES.

3. MUSIC CHOICE'S agreement with SESAC, ASCAP and BMI covers the use of MUSIC CHOICE within your premise as "background/mood" music only. If MUSIC CHOICE is to complete a service offering, under its agreement with SESAC, ASCAP and BMI, you will have to pay SESAC, ASCAP and BMI for that usage. Music that is used to complete a service offering is described as music that is used as the primary source of entertainment, such as for dancing.
4. MUSIC CHOICE'S agreement with SESAC, ASCAP and BMI does not cover music licensing fees for any premise to which admission is charged (e.g., nightclub with admission or cover charge). As a result, MUSIC CHOICE does not, for example, cover license fees for use of the MUSIC CHOICE service in a ballroom, discotheque, dance/aerobic studio, skating rink or instructed health club classes.
5. Use of MUSIC CHOICE for music "on hold" is covered under MUSIC CHOICE'S agreement with SESAC, ASCAP and BMI.

Please visit the following websites for more information.

SESAC: www.sesac.com

ASCAP: www.ASCAP.com

BMI: www.BMI.com