

INTERNATIONAL CHEER UNION (ICU)

MUSIC COPYRIGHTS EDUCATIONAL INITIATIVE & GUIDELINES

I. Preamble

For many years, laws, rules and guidelines have been in place globally to protect literary and artistic works – including songwriters and music artists. In coordination with the hosting nation’s National Cheer Federation (originally initiated with USA Cheer, ICU’s National Federation in the USA), the ICU is committed to comply with these rules and regulations, as well as assist in ongoing education of ICU’s stakeholders on this important initiative.

Enclosed herein, please review the following links displaying the global importance of this initiative and recommended steps to assist with compliance below*:

**Please note: This information below and in attached documents- is meant to provide further insight on ICU Music Guidelines, based on U.S. copyright law (ICU’s legal seat), as well as compliance with the Berne Convention Treaty (noted below). However, this information and these music guidelines should not be construed as legal advice. Should you have specific questions or concerns related to copyright laws, we encourage you to speak with a music or copyright attorney.*

II. Berne Convention Treaty

The foundation document regarding laws, rules and guidelines to protect literary and artistic works – including songwriters and music artists is the Berne Convention Treaty.

As a reference to team and coaches, enclosed please find the Berne Convention Treaty As well as the nations party to the Treaty:

Berne Convention Treaty - Protection of Literary and Artistic Works:

http://www.wipo.int/wipolex/en/treaties/text.jsp?file_id=283693

Nations party to the Berne Convention Treaty:

http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=15

III. Recommended processes for competition

1. For the ICU Championships specifically, all National Teams have the choice of following ICU’s (www.cheerunion.org), or (if the competition is located in the USA and/or under the Berne Convention Treaty) USA Cheer’s (www.usacheer.net), or an approved National Federation (“NF”) Music Copyrights Educational Initiative by contacting the respective NF.
2. All teams and coaches must agree to the following statement: “I have read and understand the ICU (or USA Cheer’s or the local approved National Federation’s)

Music Copyrights Educational Initiative and all sound recordings used in our team's music shall only be used with the written license from the owner(s) of the sound recordings."

3. Teams must be able to provide proof of licensing or (if an ICU National Federation) must provide a signed copy of the International Music Clearance Certificate ("IMCC") during the registration at the Championships.
4. If a team does not have proof of music licensing available or an IMCC (for ICU National Federations only), they will be allowed to perform to an optional approved track of music or a track with counts (provided by the ICU) or can count verbally.
5. If a team cannot provide proof of licensing, and do not perform to an optional approved track of music or to counts, the team will be disqualified from the competition.
6. If there are concerns regarding a certain team's use of music, a Challenge Form must be completed immediately following the team's performance.
7. A challenge can only be made by the official coach or an official National Federation representative of a team competing at the event at where the challenge is being made.
8. Challenge Process:
 - a. All music challenges must be submitted in writing to the International Cheer Union head official.
 - b. There will be a \$100 USD (or equivalent in local currency) immediate fee paid to the competition director to request a music challenge.
 - c. Fees collected will be returned if the challenge is correct.
 - d. If the team challenged can provide documentation during the event or can be verified, the fees will be donated to a local children's charity pre-designated by the competition director.
 - e. If the team challenged can provide documentation that requires further review, a decision will be finalized within 48 hours of the event.

IV. Question and Answers (Q & A)

Based on the information contained herein, enclosed is the most common question with and answers for teams, coaches and all stakeholders regarding competition routine music copyright rules and guidelines:

QUESTION: What are the competition routine music copyright rules and guidelines - and how do I prepare my team for the Championships?

Answer #1: "Use Authorized Music". To comply with this process, please be advised that all routine music must be "Authorized Music" which means properly licensed music with written confirmation of such license(s) available upon request.

"Authorized Music" can be:

1. Recorded music (which can include "Cover Music" or "Covers" versions of local Popular Music) that is: Purchased from authorized vendors ("Preferred Music

- Providers”) cleared by USA Cheer for license compliance (for use in the USA), or
2. Recorded music with written approval by your government and/or authorized sport authorities approval of a local “Preferred Music Provider” with properly licensed local music from your country
 3. “Original Music Compositions” created or commissioned by you/your team (e.g. an original song and recording to which you/your team own or license the rights by written agreement)

**Note: “Cover Music” (“Covers”)- is defined as a new performance or recording of a previously recorded, commercially released song by someone other than the original artist or composer.*

All music in routines (Cover Music, Original Music Compositions, including local Popular Music and otherwise) must have the proper licensing in place to be used and also proper licensing to be able to edit the recordings as needed and create original songs and recordings - to which the Preferred Music Provider owns or licenses the rights by written agreement.

For events held within the legal seat of the ICU (USA), under the U.S. copyright laws (and copyright laws in most countries via the Berne Convention), no teams are permitted to create their own mixed variation of a song (called a “re-mix”, “mash- up”, “blend” or “medley”) without proper written authorization from the copyright owners.

Answer #2: Another option- use “Unedited Purchased Single Song(s) – purchased from ASCAP, BMI and SESAC vendors” and/or similar legitimate music vendor organizations for the country hosting the competition. *Note: If there is a cheer is placed between 2 or more of these songs, multiple songs in this format may be used.*

For ICU 2017 Championships, public performance licenses have been obtained from ASCAP, BMI and SESAC. Should teams wish to only use a single song in their routine (or 2 or more songs with a Cheer or Chant in the middle of these individuals songs), teams may bring a legally purchased copy (from iTunes, Amazon, and similar vendors compliant with ASCAP, BMI and SESAC) of that recording to be used at the applicable event.

However, a team may not re-mix these recordings in any way (including sound effects, changing the song’s tempo or mixing the song with other songs), but a team may make minor edits for timing purposes only (e.g. removing a “chorus” or a “bridge” within a song) to fit the competition routine time.

Answer #3: Following reading the specific Music Sections in the ICU Rules and Regulations packet for more information on the “Music Copyright Education Initiative”, and for information on the Recommended process for Music Compliance Processes- please choose one (1) of the following:

Please note: For items 1-4, a compliant proof of purchase document and/or an ICU International Music Clearance Certificate must be provided to registration prior to the competition performance, and is subject to the rules and regulations of the ICU.

1. Select a USA Cheer approved “Preferred Music Provider” from the enclosed list, to produce your music- who has been vetted for music license compliance by USA Cheer (for USA events only):
<http://www.usacheer.org/presssafety/preferred-providers>
2. Select, with written approval by your local government/ authorized sport authority of a “Preferred Music Provider”- to produce your music with properly licensed local music from your country
3. Select Original Music Compositions created or commissioned by you/your team (e.g. an original song and recording to which you/your team own or license the rights by written agreement)
4. Select a single song or single song(s)– purchased from ASCAP, BMI, SESAC and similar qualified local vendors (based on the country) in the format as noted in Question #3
5. If teams are not in compliance with item 1-4, an optional approved track of music can be provided at the Championships that will comply with the championship’s length of routine criteria (or counts may be used).

V. Summary

ICU thanks all of our Sport’s stakeholders for their commitment to the Music Copyrights Educational Initiative, and its ongoing developments.

The information and attached documents contained herein are meant to provide further insight on ICU Music Guidelines, based on U.S. copyright law (ICU’s legal seat), as well as compliance with the Berne Convention Treaty. However, the ICU reminds all parties that this information and these music guidelines should not be construed as legal advice. Should there be specific questions or concerns related to copyright laws, the ICU encourages all stakeholders to consult with a music or copyright attorney.

We thank you for your commitment to our Sport. Should there be any further questions regarding this very important topic, please contact the ICU (info@cheerunion.org) at your absolute convenience.

Sincerely,
International Cheer Union (ICU)