

MUSIC ROYALTY PRACTICES ACT (EXCERPT)
Act 430 of 2000

445.2106 Performing rights society; prohibited acts.

Sec. 6.

(1) A performing rights society or any agent, employee, representative, or other person acting on behalf of the performing rights society shall not do any of the following:

(a) Enter onto the premises of a proprietor's business for the purpose of discussing a contract for payment of royalties for the use of copyrighted works by that proprietor, without first identifying himself or herself to the proprietor or to the proprietor's management employees. Such identification includes, but is not limited to, showing a business photo-identification card issued by the performing rights society, disclosing that he or she is acting on behalf of the performing rights society, and disclosing the purpose of the entry.

(b) Collect or attempt to collect a royalty payment or any other fee except as provided in a contract executed pursuant to and in compliance with this act.

(c) Use or attempt to use any act or practice in negotiating with a proprietor, or in retaliation for a proprietor's failure or refusal to negotiate, with respect to a contract for the payment of royalties, that includes any of the following:

(i) Using or attempting to use any unfair or deceptive act or practice in dealing with a proprietor.

(ii) Engaging in any coercive act or practice that is disruptive of a proprietor's business.

(iii) Commencing or threatening to commence a legal action in connection with an alleged copyright violation unless the performing rights society shall have advised the proprietor that he or she may comply with copyright laws with respect to copyrighted musical works in the repertoire of the performing rights society by doing any of the following:

(A) Obtaining a license from that performing rights society.

(B) Discontinuing all nondramatic public performances of musical works in that performing rights society's repertoire.

(C) Obtaining authorization for nondramatic public performances of musical works directly from the copyright owners who are members of that performing rights society.

(2) This section does not prevent any copyright owner from exercising any exclusive rights granted by the copyright laws.

(3) This section does not prohibit the performing rights society or its agents, employees, or representatives from informing the proprietor of obligations imposed under the copyright laws.

History: 2000, Act 430, Imd. Eff. Jan. 9, 2001