

CLIENT ALERT: Nursing Home Music Copyrights

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As we noted in an earlier Client Alert, several of our [nursing home](#) clients, have been contacted by BMI (a company that enforces music copyrights) over alleged [copyright violations](#). BMI typically asserts that a facility has violated its copyrights by playing music within the facility (e.g., playing music in dining or recreation areas, as part of therapy, etc.). Further, BMI offers to sell the facility a license to comply with copyright laws.

We have spoken to BMI and it is clear that it intends to continue its campaign to solicit its products to nursing facilities in the New York area, regardless of whether the facility is infringing on any of BMI's copyrights.

Playing music in the facility may or may not be a violation of the copyright law. A fact-specific inquiry should be conducted to determine whether your facility is in violation of the copyright law. Your facility's use of music may fall within one of the exemptions, exceptions or loopholes to copyright laws.

If BMI contacts your facility, we recommend that you contact us immediately so that we can analyze your facility's use of music to determine whether it complies with copyright laws.

We recommend that you not speak with, or respond to, BMI.

For more information on the copyright infringement issues related to the playing of music or television in common areas, please contact [Patrick Formato, Esq.](#) or [Barbara Stegun Phair, Esq.](#) or any of the Abrams Fensterman, LLP attorneys at (516) 328-2300.