



Stop Using My Song At Your Campaign Rally!

By [Julie Greenberg](#)

Everyone has seen on TV, or attended, campaign rallies blasting popular songs to fire up the crowd. Think about Bill Clinton piping Fleetwood Mac's "Don't Stop Thinking About Tomorrow" or Ronald Regan's famous use of Lee Greenwood's "God Bless the U.S.A." Most recently, "Y-M-C-A" was heard at Donald Trump's rallies, with Trump getting his groove on, pumping his fists and doing his dad-dance to the 1978 Village People ditty.

But what happens when The Village People objects to a candidate's use? What about when the Tom Petty estate objected to the use of "I Won't Back Down" at the controversial indoor Pandemic-defiant Trump Tulsa Rally? What about when Bobby McFerrin objected to George H.W. Bush's use of "Don't Worry, Be Happy"? What about when Jackson Browne sued John McCain for using "Running on Empty"? And, finally, what about the very long list of [musicians objecting to Donald Trump's use of their music](#), including The Rolling Stones, Neal Young, Adele, Tom Petty, Queen, Phil Collins, Elton John, among others?

The Answer: It's not so easy for an artist to prevent a political rally from using a song, but it is not impossible.

The considerations: Legally, copyright infringement actions in these circumstances are hard to win. Most venues (hotels, convention centers, stadiums, etc.) provide the campaigns with performance rights under the venue's own blanket public performance license rights through ASCAP (American Society of Composers, Authors, and Publishers), BMI (Broadcast Music, Inc), and the like. Thus, the campaigns can generally rely on the licenses of the leased venues and do not need the artists' direct permission.

Increasingly, however, many ASCAP and BMI licenses have made it possible for artists to withdraw permission for certain political uses. Likewise, some venues expressly exclude political rallies from using the venue's blanket licenses.

Even with a license in place, some artists have relied on claims such as Right of Publicity, Trademark Infringement and False Endorsement in attempts to prevent a campaign from associating with the artist.

With legal avenues questionable, and costly, perhaps the most effective tactic for an artist to disassociate from a campaign is to use its celebrity megaphone: publicly denounce the candidate and condemn the attempt to exploit the artist's music.

Of course, there's always the bottom line to consider: When Victor Willis of the Village People saw royalties for his YMCA song skyrocket this fall, he retracted his complaint and granted the Trump campaign a retroactive license. As Kenny Rogers would say 🎵 🎵 "You gotta know when to hold'em – know when to fold 'em." 🎵 🎵



Our New Look

Welcome to our new and improved Fish Tank® newsletter. You may have noticed some changes. Our fish mascot has a new look, and the article formatting will now appear more consistent across your devices. Other than aesthetics, everything is right where you remember it, and archives of our prior editions are still available [HERE](#). You can expect more intellectual property insights, news and analysis going forward. Thank you for subscribing!



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Fishman Stewart PLLC
800 Tower Dr Suite 610
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