

(1990 Replacement Volume and 1994 Supplement)

Preamble

~~WHEREAS, Under the copyright laws of the United States, a copyright owner may enforce those rights against the owners of restaurants, bars, retail establishments, doctors, and other professionals' offices, and places of business where members of the public may assemble, for the public performance of music and other similar copyrighted works, whether it be in person by a performing artist hired by the proprietor, or on radio stations or other electronic media transmitted, received, and rebroadcast by the proprietor at those places of business; and~~

~~WHEREAS, The proprietors of such establishments are frequently subject to arbitrary and capricious enforcement and collection practices by the owners of these copyrights or their agents, who may enter the premises without identification and question employees, collect fees on an irregular basis, arbitrarily increase and charge fees in excess of those agreed to by the proprietors under existing contracts, or charge similar businesses vastly differing fees for essentially the same use of copyrighted works; and~~

~~WHEREAS, These proprietors, usually small business owners who, through their businesses and professions, contribute to the economy of this State and employ its citizens, recognize the copyright laws of the United States and the purposes for which they were enacted and should be enforced, and acknowledge their obligations thereunder for use of copyrighted works in their places of business; and~~

~~WHEREAS, It is in the best interests of the State, its business community, and consumers in the State, that such arbitrary, capricious, and unfair trade practices be prohibited and the agreements under which such rights and responsibilities are established be regulated by this State; now, therefore,~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Commercial Law

SUBTITLE 14. COPYRIGHT ROYALTIES.

11-1401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "AREA" MEANS A CIRCULAR GEOGRAPHIC REGION HAVING A 25-MILE RADIUS SURROUNDING EACH BUSINESS LOCATION OF A PROPRIETOR.

(C) "COPYRIGHT OWNER" MEANS THE OWNER OF A COPYRIGHT OF A NONDRAMATIC MUSICAL OR SIMILAR WORK RECOGNIZED AND ENFORCEABLE UNDER THE COPYRIGHT LAWS OF THE UNITED STATES ~~IN ACCORDANCE WITH~~ PURSUANT TO TITLE 17 OF THE UNITED STATES CODE.