

**House File 2527 - Reprinted**

HOUSE FILE 2527  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2304)

(As Amended and Passed by the House March 11, 2020)

**A BILL FOR**

1 An Act relating to the exhibition of music, including  
2 the practices of performing rights societies and the  
3 advertising, promoting, and conducting of certain live  
4 musical performances, and making penalties applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 549.3, subsection 1, Code 2020, is  
2 amended to read as follows:

3 1. A performing rights society shall not enter onto the  
4 business premises of a proprietor for the purpose of discussing  
5 a contract for the payment of royalties by the proprietor,  
6 ~~unless the performing rights society identifies itself to~~  
7 ~~the proprietor and describes to the proprietor the purpose~~  
8 ~~for entering onto the proprietor's business premises~~ the  
9 performing rights society first makes an appointment to meet  
10 with the proprietor at the business premises during normal  
11 business hours. Upon entering onto the business premises, the  
12 performing rights society shall clearly identify itself to  
13 the proprietor and describe to the proprietor the purpose for  
14 entering onto the business premises.

15 Sec. 2. Section 549.5, Code 2020, is amended to read as  
16 follows:

17 **549.5 Improper licensing practices.**

18 A performing rights society shall not do any of the  
19 following:

20 1. A performing rights society shall not collect, Collect  
21 or attempt to collect, from a proprietor licensed by that  
22 performing rights society, a royalty payment except as provided  
23 in a contract executed pursuant to the provisions of this  
24 chapter.

25 2. Make a misleading or threatening verbal or written  
26 communication to a proprietor in connection with a contract for  
27 the payment of royalties or an attempt to collect royalties.

28 3. State or imply in a verbal or written communication with  
29 a proprietor that the performing rights society is an agent  
30 or representative of a public body, regulatory agency, or law  
31 enforcement agency.

32 Sec. 3. Section 549.7, Code 2020, is amended to read as  
33 follows:

34 **549.7 Remedies — injunction.**

35 A person who suffers a violation of [this chapter](#) may bring

1 an action to recover reasonable attorney fees and the greater  
2 of two thousand five hundred dollars or actual damages and  
3 ~~reasonable attorney fees and to seek an injunction or any other~~  
4 ~~available remedy.~~ A person who suffers a violation of this  
5 chapter may also seek an injunction or any other available  
6 remedy.

7 Sec. 4. NEW SECTION. **549A.1 Title.**

8 This chapter shall be known and may be cited as the "*Truth in*  
9 *Music Advertising Act*".

10 Sec. 5. NEW SECTION. **549A.2 Definitions.**

11 As used in this chapter, unless the context otherwise  
12 requires:

13 1. "*Performing group*" means a vocal or instrumental group of  
14 one or more individuals that intends to advertise or perform  
15 under the name of a recording group or performer or a name  
16 substantially similar to a recording group or performer.

17 2. "*Recording group*" means a vocal or instrumental group  
18 of one or more individuals, at least one of whose members has  
19 previously released a commercial sound recording under that  
20 group's name, and in which the individual or individuals have  
21 a legal right by virtue of use or operation under the group  
22 name without having abandoned the name or affiliation with the  
23 group.

24 3. "*Sound recording*" means a work that results from the  
25 fixation of a series of musical, spoken, or other sounds,  
26 regardless of the nature of the material object, such as a  
27 phonograph, disc, tape, wire, digital storage, or other medium  
28 in which the sounds are embodied.

29 Sec. 6. NEW SECTION. **549A.3 Production.**

30 1. A person shall not advertise or conduct a live musical  
31 performance or production in this state through the use of a  
32 false, deceptive, or misleading affiliation, connection, or  
33 association between a performing group and a recording group.

34 2. This section does not apply if any of the following  
35 conditions are met:

1     *a.* The performing group is the authorized registrant and  
2 owner of a federal service mark for the recording group that is  
3 registered in the United States patent and trademark office.

4     *b.* At least one member of the performing group was a member  
5 of the recording group, and that member has a legal right to  
6 use or operate under the name of the recording group without  
7 having abandoned the name or affiliation with the recording  
8 group.

9     *c.* The live musical performance or production is identified  
10 in all advertising and promotion as a salute or tribute.

11    *d.* The name of the performing group is not so closely  
12 related or similar to the name used by the recording group that  
13 it would tend to confuse or mislead the public.

14    *e.* The advertising does not relate to a live musical  
15 performance or production taking place in, streamed into, or  
16 broadcast into this state.

17    *f.* The performance or production is expressly authorized by  
18 the recording group.

19    Sec. 7. NEW SECTION. 549A.4 **Enforcement.**

20    A violation of section 549A.3 is an unlawful practice under  
21 section 714.16, and all the remedies and penalties of section  
22 714.16 are available for such a violation.