

# Playing the Trump card

 By [Vicky Stilwell](#)

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Donald Trump is, to put it lightly, a controversial figure, known for his extreme right wing political views and far from subtle criticism of, and disdain for, various minority groups. Well, Donald has done it again.



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As followers of international news broadcasters like Sky and CNN will be aware, at the recent Republican National Convention, Donald strutted onto the stage to the heroic sounds of Queen’s “We Are the Champions”. The band was not happy and accused Trump’s campaign of using their song without permission.

Their discontent is heightened by the fact that they claim that Trump’s use of the song implies that Queen endorses or supports his campaign, which it does not.

## Contravening copyright?

Trump is not the first politician to use popular music on the campaign trail, but certainly as far as the United States is concerned, this does not necessarily contravene copyright law.

The copyright laws of most jurisdictions prohibit the playing of copyrighted sound recordings to the public without the permission of the copyright owner, and the United States is no exception. But to make things easier, it is not necessary to

obtain permission from the band itself; this can be done by purchasing a licence directly from the relevant rights management organisation (in Queen's case, BMI).

Interestingly, in such cases, provided that the requisite licence fee has been paid and the correct procedure followed, the organisation must grant the licence, and neither the band nor the management organisation have much leeway to refuse permission.

## **SA law**

The position in South Africa is not much different. The Copyright Act provides that no person may play a sound recording in public without payment of a royalty to the owner of the relevant copyright.

This wording implies, from a pure copyright law perspective, that if a person pays the required royalty, they are allowed to play a sound recording in public, notwithstanding that the copyright owner or author(s) of the sound recording may disapprove of such use on the basis of a divergence of moral, political or religious views.

## **ABOUT VICKY STILWELL**

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