

**DIRECTV**  
FOR BUSINESS  
NATIONAL ACCOUNTS

# GAME ON. RISK OFF.

A smarter way to show  
sports, entertainment,  
& music in restaurants  
and bars



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For many bars and restaurants, showing sports on TV is part of the DNA. By broadcasting college and professional games, other shows and events, and music, these establishments create a lively, entertaining vibe that attracts guests and keeps them coming back.

This entertainment goes a long way to building and enhancing the location's brand. Whether it's a bar in Chicago known as the place for ACC fans to watch the Duke-UNC basketball game, or a hole-in-the-wall burger joint where locals know they can go for karaoke, the entertainment establishes a community. It also develops a reliable source of revenue, which is a critical advantage in the tight margin restaurant industry.

But while the decision to play live and recorded shows and music may be easy, the implementation can be more complicated than bar and restaurant owners anticipate. That's why restaurant and bar owners broadcasting programs and music should know how to protect their businesses from legal risks of intentional or unintentional piracy, while still ensuring their customers have high-quality viewing and listening experiences.





# THE ESSENTIAL—AND REVENUE-GENERATING— DRAW OF ENTERTAINMENT





“When guests are entertained, they tend to spend more time and money.”

**JIM GRANDAHL**

Senior Director of National Accounts, DIRECTV

In some restaurants, the dining experience centers primarily on the food: people come in, order, eat and leave. But in many other bars and restaurants, the draw is a combination of food and entertainment.

As guests walk into a sports bar or restaurant on a Sunday, they anticipate cheering on their favorite team on a large screen TV, while they nosh on pizza, burgers or other bar food. But after the meal is over, they might not leave—especially if the game they were watching isn’t over too. Instead, they may settle in for another drink, side or dessert.

“When guests are entertained, they tend to spend more time and money,” said Jim Grandahl, Senior Director of National Accounts, DIRECTV. “The length of stay has a direct correlation to ROI in a bar and restaurant.” What’s more, he added, if the entertainment is good, guests are more likely to return, and rinse and repeat that behavior.

While showing sporting events is always a winner, creative bar and restaurant owners also offer additional entertainment for their guests. Some establishments host watch parties around popular television shows, like Love Island.<sup>1</sup> Others may offer live musical performances, karaoke night, have bartenders play their album choices, or just play background music from a curated playlist.

Although these are excellent ways to attract guests, for some businesses, the actual showing or playing of this content may not be legal.

A group of people are gathered in a dimly lit pub or bar. In the foreground, a man in a dark suit and a woman in a light-colored blazer are seated at a table, engaged in conversation. The woman is holding a glass of beer. To their right, another woman in a light-colored blazer is seated at the same table. In the background, a man in a light blue shirt is standing at the bar. The pub has a brick wall with various framed pictures and a television screen displaying a musical performance. The overall atmosphere is warm and social.

# UNDERSTANDING ENTERTAINMENT PIRACY





Entertainment piracy is the illegal sharing of content, such as live and recorded shows and music, without the creator's permission. Although several types of piracy exist, for bar and restaurant owners, the problem often occurs when operators or employees use their personal accounts to share content in commercial settings.

Bar and restaurant operators are also consumers, so they may assume they can use the same process they use as consumers to watch shows and listen to music in their businesses as they do in their living rooms. However, Grandahl said, that is not the case.

"Most Consumer streaming platforms are not permitted for commercial use under the provider's terms and conditions, so it may be a violation or infringe on public performance rights and US copyright law," he explained. "So just because it's available on Amazon, and you have a consumer account, doesn't mean that you have the right to use Amazon in a commercial setting."

The same restriction applies to other consumer services, Grandahl said, adding that each provider will outline in the terms and conditions in their user agreement that the service is explicitly for residential use. The purpose of the agreements is to ensure the content creators are fairly compensated for their work.



# **COST OF PIRACY, IN DOLLARS AND BEYOND**



Restaurants and bars that broadcast content without having a commercial license face significant consequences, Grandahl said. Violators can be tracked through IP addresses and social media accounts, and some have been fined up to \$150,000 per infringement.<sup>2</sup>

But the damage can go beyond a hefty fine. Commercial establishments that are found using residential accounts can suffer reputational damage, which can be hard to bounce back from.

In addition to legal and financial ramifications, when bar and restaurant operators misuse residential accounts for their business, they can create problems that hit at the heart of their business: the guest experience.

Streaming services can terminate service for establishments that violate the agreement terms, leaving operators in a lurch and guests in search of new places to watch their favorite games.







Even if the service isn't terminated, streaming can cause issues. "TV content, especially on larger screens, is very bandwidth hungry," Grandahl explained. "It takes a lot of bandwidth to put a nice quality HD image on a screen. If you have ten TVs, that's a lot of bandwidth that your establishment needs in order to make sure that that picture is not pixelating or freezing, or that the audio goes out of track." And when those hiccups cause a guest to miss seeing an important moment in a game or show, they are understandably frustrated.

The rise of sports betting highlights another vulnerability: limited bandwidth, Grandahl said. "Micro betting has become huge, and it's not just who's going to win the game or how many points they're going to score. But you have all these platforms now where people are betting on what the next play will be. In football, will the quarterback pass or run? In baseball, will the pitcher throw a curveball or a fastball?" Grandahl said that when restaurants use streaming services to deliver multiple televisions tuned to the same game, not all of the televisions are synchronized to the same point in the action.

That delay can lead a person to bet on a play that's already happened. "If you're watching the Kentucky Derby and you have ten TVs on that race, the race will finish at ten different times in your establishment. People are cheering on one side of the bar first. People on the other side of the bar don't know who won."

Additionally, when residential streaming accounts consume bandwidth on the internet, they can also interfere with business operations. "The demands of streaming content to the TVs can start to impinge on your Wi-Fi, your back office operations, your POS systems," Grandahl explained. Those demands can also affect guests' Wi-Fi usage. "I have several 20-something daughters, and when we go out to dinner, they're on social media. Fast and reliable customer Wi-Fi is an important part of that experience."





# ADVANTAGES OF COMMERCIAL ACCOUNTS





If a fan goes to an establishment for the first time and has a bad viewing experience, they will probably not come back to your establishment to watch a game.

**JIM GRANDAHL**

Senior Director of National Accounts, DIRECTV

Aside from remaining compliant, bars and restaurants gain additional benefits by using a commercial account to broadcast programs and music. Grandahl said those advantages all center on the business's primary focus: attracting and retaining customers. "If a fan goes to an establishment for the first time and has a bad viewing experience, they will probably not come back to your establishment to watch a game." He added that while operators may have saved money by using a less expensive streaming service, they also lost the opportunity of gaining a long-term customer by providing a quality viewing experience.

By using commercial accounts, restaurants and bars gain greater bandwidth and can use satellite services, freeing up internet bandwidth and enhancing the viewing experience and business operations.





**SOME COMMERCIAL  
ACCOUNTS CAN STILL  
BE TRICKY TO NAVIGATE**



Contracting with individual platform providers can still be confusing. Sports broadcasting is increasingly fragmented, with no end in sight. “In the last 30 years, different providers have bought the rights to specific leagues or games,” Grandahl said. Bar and restaurant owners assume they need multiple platforms to show Thursday night NFL on Amazon Prime, MLS soccer on Apple TV, or WWE on Netflix.

Grandahl said that although business licenses cover the programming, they don’t cover the sound in the commercials that run between programs. If a car commercial that contains music comes on during a game’s time out, a bar or restaurant should have proper music licensing as well.

Some establishments are exempt from these requirements because of their size, but others that do fall under the requirement work around it by keeping the television sound turned off all of the time. While the solution eliminates the need to purchase licenses, it also affects the entertainment value for guests. In a recent study, 30% of establishments reported that their guests had asked for the sound to be turned on during a sporting event.<sup>3</sup> In the same research, 38% of restaurants said they lost business because they couldn’t provide sound during a game.<sup>4</sup> It’s not just music from commercials that’s tricky, Grandahl said. “Artists have a right to be compensated anytime their music is played in a public performance, meaning it’s played in an environment where people are listening to it.” That includes background music, he added. “Background music has to be licensed by performing rights organizations, and there are multiple ones of those.”

A bartender playing music from a personal playlist connected to the restaurant’s sound system would be in violation. If a singer-songwriter is playing for tips in the corner and playing covers songs is not covered by background music licenses. Karaoke night, a DJ charging a cover charge also must have licensing through performance rights organizations.

While it may seem unlikely that an artist or a performance rights organization would become aware of violations, Grandahl pointed out that with the pervasiveness of people posting events on social media, the violations are increasingly easy to find.

Grandahl said the key is to find a provider that offers the greatest coverage for the bar or restaurant’s variety of needs.

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of restaurants said they lost business because they couldn’t provide sound during a game.<sup>4</sup>



A group of five men are seated at a wooden bar in a rustic, dimly lit bar or pub. They are all looking intently at several televisions mounted on the wall, which are displaying a soccer match. The men are holding glasses of beer. An American flag is visible on the wall to the left. The overall atmosphere is one of focused anticipation.

# A ROADMAP TO BROADCASTING SPORTS AND MUSIC LEGALLY



When bar and restaurant leaders seek to broadcast sports and music without encountering entertainment piracy, Grandahl suggested considering the following questions.

**1. What is the desired guest experience?** A

QSR may not want to invest in televisions or entertainment because they want to encourage guests to eat and leave, not linger. But for those that want to focus on entertainment, consider what programming is preferred and how many screens.

“What is the quality of those screens? Do they want to have multiple games on at the same time? Do you want the audio on for those?”

**2. What programming strategy helps create the desired guest experience?** The programming

strategy includes the overall scope of shows, even those beyond sports. Should a restaurant include the Discovery Channel or the Disney Channel to be kid-friendly? How do these programs and channels align with the brand’s aesthetic? Will they play music?

Grandahl said that once the type of programming is determined, the next step is ensuring what copyright protections are needed.







### 3. How can the guest experience be customized?

When guests walk in and are seated, one of the first requests they make is to put a specific game on a specific TV. “Now that’s personalizing that experience for that guest. What do we want to have in that experience, and how do I provide that?”

Grandahl said that to provide that level of customization, establishments need to offer multiple streaming platforms to meet guests’ expectations.

He added that this challenge can be addressed with a commercial service like DirecTV for Business, where guests can watch Thursday night football on Amazon or MLS on Apple. We’ve been very deliberate about providing some of the industry’s best content aggregation.<sup>5</sup> We keep it simple, so all of those resources are aggregated on the DIRECTV platform.”

Grandahl said that by working with DIRECTV to explore these questions, operators can find the most effective programming solutions to increase entertainment value while reducing business risk from piracy.

“We want customers to call and say, ‘What should I have?’” Grandahl said. “Let’s have a conversation.”





## ELEVATED SERVICE, EVERY STEP OF THE WAY

DIRECTV FOR BUSINESS® National Accounts entertainment packages are designed to support the unique demands of Fortune 500 companies, multi-unit operators or businesses with more than 25 locations. Enjoy one-on-one service, exclusive sports coverage and the simplicity of having one provider for all your locations. DIRECTV FOR BUSINESS has teamed up with the [National Restaurant Association](#) & National Restaurant Association Educational Foundation to launch [Experience Restaurants](#). Join us as we strengthen the role of restaurants across America and provide opportunities for people from all backgrounds.

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