



Frequently Asked Questions: ASCAP Reporting



Is my chapter required to submit an annual ASCAP Report Form?

ALL U.S. Chapters are required to submit a form. However, a report does not necessarily mean that a fee is owed (see Section A of the report).

Where do I send the completed form and applicable payment?

All ASCAP forms and applicable payments should be sent to the Barbershop Harmony Society directly:

Barbershop Harmony Society

c/o ASCAP Reporting Forms

110 7th Avenue N

Nashville, TN 37203-3704

or by email to chapters@barbershop.org

(Please, only email if no payment is due, payments should be mailed with respective form)

Why should we pay for singing/performing music in public?

We often use the expression "they're playing my song," not always remembering that while we may have emotionally adopted the song, it still legally belongs to the songwriter who created it, and the music publisher who markets it. When you use other people's property, you need to ask, and receive, permission.

I bought the record or sheet music. Why do I need permission to perform the music?

Copyright owners enjoy a number of different rights including performance rights, print rights and recording rights. Rental or purchase of sheet music or the purchase of a record does not authorize its public performance.

What is a public performance?

A public performance is one that occurs "in a place open to the public or at any place where a number of persons outside of a small circle of a family and its social acquaintances is gathered." A public performance is also one that is transmitted by means of any device or process to the public; for example, radio or TV broadcasts, telephone and via the Internet. In order to perform a copyrighted work publicly, the user must obtain performance rights from the copyright owner or his representative. An afterglow open to the public is a public performance and may be considered as part of the show; limited to cast and family, it would not be public. In the case of Society chapters producing public shows, licensing a performance is a two-step process – BMI/SESAC licensing prior to each show and a single ASCAP report and license with payment for the calendar year after the final show of the year.

What do you mean by “producing” a show or public performance?

The organization or entity organizing, marketing, promoting a public performance is responsible for licensing it. E.g., your annual chapter show(s) or holiday shows are your productions that must be licensed by you. If you are hired to perform by someone else, they are responsible for licensing the performance.

Aren't musicians, entertainers and DJ's responsible for obtaining permission for music they perform?

Some people mistakenly assume that musicians and entertainers must obtain licenses to perform copyrighted music or that show producers or businesses can shift their responsibility to musicians or entertainers. The law says all who participate in, or are responsible for, performances of music are legally responsible. Since it is the show producer who obtains the ultimate benefit from the performance, it is the producer who obtains the license. Music license fees are one of the many costs of promoting a concert, show or performance.

What is meant by Gross Revenue from ticket sales (Gross Ticket Revenue or GTR)?

“Gross Revenue” means all monies received by a licensee (your chapter) or on a licensee’s behalf from the sale of tickets for each concert. Gross revenue shall not include per ticket entertainment, amusement, or sales taxes, commissions or fees paid to automated ticket distributors, such as “Ticketmaster,” per-ticket theatre restoration or other facility fees, or parking fees when included in the ticket price. It does not include program advertising revenue or other non-ticket, merchandise or ancillary income.

Does the annual ASCAP license and fee cover all songs in the public performances my chapter produces?

No. ASCAP does not represent all music copyright holders. A BMI/SESAC license, with appropriate fee, must be filed prior to your show(s). See the BHS Online Document Center for Form 3016 (Application for Show Clearance BMI and SESAC License) and submit it through your District Secretary. Canadian chapters should submit an appropriate SOCAN License Form to the SOCAN office. More information about this process can be found in the Chapter Secretary Manual.

What is a Benefit Performance and why must it be licensed? What about Free Performances?

“Benefit Event” means a concert which is held to raise money for a specific, bona fide, charitable institution or cause not affiliated in any way with licensee (your chapter or the Society), to which all the proceeds from the concert, after deducting the reasonable costs of producing the concert, are donated. Even a free-will offering or “free” event generally should be licensed. Otherwise you are giving away the copyright owners’ rights without their permission. A “fair use” exemption for live performances “without commercial advantage” can be misinterpreted as that code provision also provides “otherwise than in a transmission to the public” and contains specific statutory requirements. Unless a chapter produces only shows fitting this limited exemption, they are subject to the minimum annual fee.

There are reduced ASCAP license fees for “Free and Benefit Events.” However, unless the total gross revenue from all your shows exceeds \$30,625, you will still owe the minimum annual fee of \$241. Only if you do a “free or benefit show” and your total gross revenue for all shows exceeds \$30,625 (Section C), should you contact the Copyright and Licensing Manager at HQ (library@barbershop.org) for assistance. There is also a rate sheet and “Free and Benefit Concert Reporting Form” available on the BHS Online Document Center.

What does the annual ASCAP license cover?

ASCAP members grant to ASCAP only the right to license public, nondramatic performances of the members' copyrighted musical works. The blanket license that ASCAP grants to Society chapters is for concerts and similar events. (For information on other types of licenses available, visit www.ascap.com to see a Full List of License Types.) This blanket concert license grants the licensee the right to perform any song in the ASCAP catalog (over 10 million songs). Should there be any question, it is the responsibility of the licensee (producer) to determine if a song is from the many millions in the ASCAP catalog.

An ASCAP license does not authorize dramatic performances of ASCAP members' works. "Dramatic" (often referred to as "grand") rights in musical works are licensed by the composer or publisher, or other licensing agent for the work. Traditionally, in dramatic works, the main motivation is the telling of a story and the music serves to enhance the drama. This was thought to increase the economic value of the music, leading the rights holders of the music to conclude that they could derive greater benefit if they controlled the licensing of the works themselves.

For a further discussion of the distinction among nondramatic, dramatic, and "dramatico-musical works" and whether that might affect your show licensing, see www.ascap.com (Licensees/Learn about ASCAP Licenses/Licensing Help). Whenever there is doubt as to whether specific performances of musical works might be considered to be dramatic or nondramatic, please consult local counsel. Additionally, ASCAP encourages the music user to contact the rights holders directly to get their view. If the rights holders are of the view that the performances are dramatic, they will decide whether or not to license the performances directly (or at all). In some instances, ASCAP's members may wish to license the performances directly even if they are not clearly dramatic performances. The rights ASCAP obtains from its members are nonexclusive, so that members retain the right to license directly performances of their works whether or not they are dramatic in nature.

Is there anything else the ASCAP license doesn't cover?

ASCAP does not license the right to print copies of musical works nor does it license rights to make adaptations or arrangements.

ASCAP does not license the right to record music on a CD, tape, or as part of an audio-visual work such as a motion picture, video or TV program. Those rights, known as mechanical and synchronization ("synch") rights are licensed by writers or publishers.

Are there other resources available from the Society on copyright and licensing?

Yes. The BHS Online Document Center has downloadable references including Copyright Basics for Barbershoppers FACQ - Frequently Asked Copyright Questions. www.barbershop.org/support/faqs