



ASCAP Chapter Reporting Form: 2019

This form is to be completed to comply with the agreement between the Barbershop Harmony Society (“BHS”) and ASCAP (The American Society of Composers, Authors and Publishers).

ALL U.S. BHS CHAPTERS MUST COMPLETE AND SUBMIT THIS FORM FOR THE YEAR 2019

Mail completed form (this page only) and ASCAP payment (if applicable) to BHS Headquarters. Make checks payable to the “Barbershop Harmony Society” or “BHS.” Only one ASCAP report is required each year, due by December 31. *****DO NOT MAKE CHECK PAYABLE TO ASCAP AND DO NOT MAIL FORM/PAYMENT TO ASCAP*****

- If your chapter produces NO (zero) public performances in 2019, sign **SECTION A** and submit the first page of this form.
- If your chapter shows do not gross more than **\$31,477.56** in ticket sales for all performance(s) that it produces in 2019, please fill out **SECTION B** and send it to BHS Headquarters with a check payable to “BHS” or “Barbershop Harmony Society” for the minimum amount due, which is **\$256.00**.
- If your chapter grosses **more than \$31,477.56** in ticket sales for all performance(s) that it produces in 2019, fill out **SECTION C** and submit the form and appropriate fee computed using the formula below.

Chapter Code (i.e. A-000): _____ Chapter Name: _____ Chorus Name: _____	Chapter Secretary or Treasurer name: (please print) _____ Date Submitted: ____/____/____
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SECTION A:

Our chapter has not produced, and will not produce, any shows (free, benefit or ticketed) with performances during the year 2019. As such, I certify that the chapter above is not liable.	As such, I certify that my chapter is not liable for an annual ASCAP licensing fee for 2019. _____ Chapter Secretary or Treasurer’s Signature
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SECTION B:

Our chapter will not gross more than \$31,477.56 in ticket sales for all performances that it produces during the year 2019.	Accordingly, my chapter is paying the minimum licensing fee of \$256.00 . Check #: _____
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SECTION C:

Seating Capacity		% applied to Gross Ticket Revenue <small>(see FAQ for definition of GTR)</small>	Multiplier
Low	High		
0	2,500	0.80%	0.0080
2,501	5,000	0.40%	0.0040
5,001	10,000	0.25%	0.0025
10,001	25,000	0.20%	0.0020
over	25,000	0.10%	0.0010

	A	B	A X B
Show Date	Gross Revenue (\$)	Multiplier	Fee (\$)
Show 1			
Show 2			
Show 3			
Show 4			
		TOTAL	



ASCAP Reporting FAQ (Frequently Asked Questions)

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 directly to the Barbershop Harmony Society:

Barbershop Harmony Society
Attn: Copyright/Licensing Dept.
110 7th Avenue North
Nashville, TN 37203-3704

If no payment is due, you may submit your completed ASCAP form via email to library@barbershop.org.

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 most likely belongs to another party (known as the "copyright holder"). When you use other people's property, you need to ask -and receive – permission to do so.

I've purchased a CD/Sheet Music Arrangement of the song. Why do I need additional permission to perform the music in public?

Copyright holders enjoy a number of different rights under US law, which includes public performance rights. The purchase (or rental) of an audio recording or sheet music 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 – such as radio/ TV broadcasts, telephone, and via the internet. In order to perform a copyrighted work publicly, the user must obtain performance rights permission from the copyright holder. For example, an Afterglow Event open to the public is considered a public performance and may be considered as part of the show; however, if the Afterglow Event is limited to cast and family, it would not be considered a public performance. In the case of BHS chapters producing public shows, licensing a performance is a two-step process: 1) submitting/paying a BMI/SESAC report prior to each show (to your district secretary); and 2) one ASCAP report/payment annually, after your final show of that year.

What do you mean by "producing" a show for public performance?

The organization or entity organizing, marketing, and/or promoting a public performance is responsible for licensing it and paying the applicable fee. Your annual chapter show(s) or holiday shows are **your** productions and must be licensed **by you**. However, if you are hired by someone else to perform in a show,

the party hiring you (the producer) is responsible for licensing the performance and paying the applicable fee.

Aren't musicians, entertainers and DJ's responsible for obtaining permission for the 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. Since it is the show producer who obtains the ultimate benefit from the performance, it is the producer who must license and pay the fee. 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 my chapter produces and performs in public?

No. ASCAP does not represent all copyrighted songs. A BMI/SESAC Report Form, with its applicable fee payment, must be sent to your District Secretary (or assignee) prior to your show(s). This form (as well as the ASCAP form) is available for download at the BHS website (www.barbershop.org), located in the Member Document Center (login required).

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 holders' 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 \$31,477.56 (for the year 2019), you will still owe the minimum annual fee of \$256.00. If you have a "free or benefit show" and your total gross revenue for all shows exceeds \$31,477.56 (Section C), should you contact library@barbershop.org for additional assistance. There is also a current rate sheet and "Free and Benefit Concert Reporting Form" available on the Member Document Center.

What does the annual BHS ASCAP license cover?

The annual ASCAP reporting form and fee payment grants the chapter/group the right to perform any song in the ASCAP catalog in a concert or similar show setting. (The same is true for the BMI/SESAC report reporting form and fee payment – it grants the chapter/group the right to perform any song in the BMI and SESAC catalogs in a concert or similar show setting.)

An ASCAP license does not authorize *dramatic* performances of ASCAP members' works. "Dramatic rights" (often referred to as "grand rights") in a song are licensed by the copyright holder. Traditionally, in dramatic works, the main motivation is the telling of a story and the music serves to enhance the drama. For a further

discussion of the distinction among nondramatic, dramatic, and "dramatico-musical works" and whether that might affect your show licensing, contact an ASCAP representative via their website at www.ascap.com. BMI (www.bmi.com) and SESAC (www.sesac.com) should also be contacted as well. Whenever there is doubt as to whether specific performances of musical works might be considered to be dramatic or nondramatic, please consult local counsel.

Is there anything else that ASCAP (as well as BMI and SESAC) doesn't cover?

These organizations do not license 1) the right to reproduce copies of a musical work; 2) the right to create derivative works (such as a barbershop arrangement); 3) distribute copies of a musical work; 4) publicly display a work (such as art, sculpture, etc.); or 6) perform a work publicly by means of a digital audio transmission. These rights are controlled by other parties and must be contacted (or their representative contacted) to seek these various permissions.

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

Additional resources are available in the Member Document Center of the BHS website (www.barbershop.org). Login is required. Should you have any additional questions or concerns not covered in this FAQ or on our website, please contact library@barbershop.org for further assistance.



BLANKET CONCERT AND RECITAL (BCON)

2019 Rate Schedule

Schedule I.

<u>Seating Capacity*</u>		<u>Percentage Applied to Gross Ticket Revenue**</u>
<u>Low</u>	<u>High</u>	
0	2,500	0.80%
2,501	5,000	0.40%
5,001	10,000	0.25%
10,001	25,000	0.20%
over	25,000	0.10%

*Where the total seating capacity of a location has been altered to accommodate a particular performance, the term "Seating Capacity" shall mean the total number of seats made available for that particular performance and shall be so indicated on the report.

**"Gross Revenue" means all monies received by LICENSEE or on 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.

Schedule II. Free and Benefit Events ***

<u>Seating Capacity</u>		<u>Fee per Event</u>
<u>Low</u>	<u>High</u>	
0	5,500	\$ 10.00
5,501	10,000	\$ 53.00
10,001	20,000	\$ 111.00
20,001	60,000	\$ 186.00
over	60,000	\$ 364.00

***"Benefit Event" means a concert which is not exempt from copyright liability under Section 110(4) of the United States Copyright Law, and which is held to raise money for a specific, bona fide, charitable institution or cause not affiliated in any way with LICENSEE, to which all the proceeds from the concert, after deducting the reasonable costs of producing the concert, are donated.

Minimum Annual Fee. The minimum annual fee payable hereunder shall be \$256.00.

Annual License Fee for Year 2020 and Thereafter

The annual license rate under Schedule II. and the minimum annual fee for each calendar year commencing 2020 shall be the license fee for the preceding calendar year, adjusted in accordance with the increase in the Consumer Price Index - All Urban Consumers (CPI-U) between the preceding October and the next preceding October, rounded to the nearest \$1.00.