



## **Q&A ABOUT THE ASCAP COMMUNITY THEATRE LICENSE AGREEMENT**

### **Q. Why do we need permission to perform music?**

A. Music is like all personal property; when you want to use it, you need permission. That's why in order to play copyrighted music to the public, you must, by law, obtain permission for each of many musical works you play each year.

### **Q. Must we obtain a license agreement?**

A. To publicly perform copyrighted music lawfully, a license is required.

### **Q. What happens if I use ASCAP music without permission?**

A. If you choose to use another's copyrighted property without permission, you have committed a copyright infringement and a court can assess damages at minimum of \$750 or a maximum of \$30,000 for each song "infringed," and can require you to pay attorney's fees and court costs. As an ASCAP licensee, you are entitled to use any of the music we represent.

### **Q. What is ASCAP?**

A. ASCAP, the American Society of Composers, Authors and Publishers, is the oldest, largest and foremost organization in the United States that licenses the right to publicly perform copyrighted musical compositions. Founded in 1914 by Victor Herbert, Irving Berlin, John Philip Souza and other leading American composers and publishers, ASCAP is an unincorporated membership association of writers and publishers of music. It is the only American performing rights organization wholly owned and managed by and for writers and publishers of music.

ASCAP's more than 320,000 members have granted ASCAP a non-exclusive right to license the non-dramatic public performances of their copyrighted musical compositions. On behalf of all of its members, ASCAP licenses the right to perform publicly all of the copyrighted musical works in the ASCAP repertory. ASCAP collects license fees, and distributes royalties to its members and foreign affiliates after deducting its operating costs, which are the lowest in the world for any performing rights society.

### **Q. Who does ASCAP license?**

A. ASCAP licenses tens of thousands of music users such as public and commercial radio and television broadcasters, cable program services, Internet sites and services, symphony orchestras, concert and recital promoters, hotels, restaurants, nightclubs, colleges, universities, conservatories and others who desire to lawfully perform the copyrighted musical compositions in the ASCAP repertory.

Although ASCAP licenses on a non-exclusive basis for its members, the ASCAP license enables you to perform all works of all ASCAP members (and members of affiliated foreign societies) without complex record-keeping or administrative burden. The

ASCAP license provides an easy, economical means to gain access to the vast ASCAP repertory.

### **Q. What kind of music does an ASCAP license allow us to play?**

A. ASCAP represents every kind of music. ASCAP's repertory includes pop, rock, alternative, country, R&B, rap, hip-hop, Latin, film music, television music, folk, roots, blues, jazz, reggae, gospel, contemporary Christian, new age, theatre, cabaret, dance, electronic, symphonic, chamber, choral, band, concert, educational and children's music-the entire musical spectrum. ASCAP is home to the greatest names in American music, past and present, as well as thousands of writers in the earlier stages of their careers.

The ASCAP membership list reads like a who's who of the wide spectrum of American music, including Irving Berlin, Leonard Bernstein, Garth Brooks, John Cage, Aaron Copland, John Corigliano, David Del Tredici, Destiny's Child, the Dixie Chicks, Duke Ellington, George and Ira Gershwin, Philip Glass, Libby Larsen, Madonna, Henry Mancini, Wynton Marsalis, Dave Matthews, Tito Puente, Rodgers and Hammerstein, Michael W. Smith, Stephen Sondheim, Bruce Springsteen, Igor Stravinsky, Virgil Thomson and Stevie Wonder, just to name a few. An ASCAP license also covers the works of tens of thousands of foreign writers and publishers - members of over 90 affiliated foreign performing rights societies.

Among the works in the ASCAP repertory are: "Appalachian Spring," "Purple Haze," "I Get A Kick Out of You," "Ain't No Mountain High Enough," "How Do I Live," "Oh Happy Day," "Bills, Bills, Bills," "I Swear," "A Night in Tunisia," "Moon River," "Doo Wop (That Thing)," "Just the Way You Are," "I Shot the Sheriff," "My Girl," "Hello Dolly," "When Doves Cry," "Jailhouse Rock," "Chattahoochie," "Like A Rock," "Like A Virgin," and "Born in the U.S.A."

Information about specific works and ASCAP writer and publisher members can be obtained in a variety of ways. Separate databases of works in the ASCAP repertory that have been registered with ASCAP since January 1, 1991, or identified in ASCAP's surveys of performed works since January 1, 1978, are available online at the ASCAP website, [www.ascap.com](http://www.ascap.com) (click on "ACE Title Search," read the disclaimer, and then follow the links to the database). The ACE Database can also be used to determine whether a particular songwriter or composer is a member of ASCAP. The same data contained in the ACE Database is also available on CD-ROM and can be purchased at a cost of \$5.00 by written request to ASCAP, One Lincoln Plaza, New York, NY 10023, attn: Director of Repertory. More comprehensive records of the titles, dates of U.S. Copyright registration (if any), writers and current publishers or

other copyright owners of all known works in the ASCAP repertory are available for public inspection at ASCAP's office in New York City during regular business hours. You can also call or write ASCAP for information as to specific works: 800-95-ASCAP or ASCAP, One Lincoln Plaza, New York NY 10023, attn: Repertory Dept.-Clearance Section.

**Q. What happens if we don't have an ASCAP license?**

A. If you do not have a license from ASCAP, and you have not negotiated separate licenses from all the individual copyright owners that own the copyrights to all the music you perform, your organization, and each individual responsible for any unauthorized performances of copyrighted musical compositions, would be copyright infringers and liable for penalties incurred for copyright infringements.

**Q. What does the ASCAP license do for us?**

A. The ASCAP license authorizes the non-dramatic public performance of all the music in the ASCAP repertory. It is often impossible for copyright owners to know of every performance of their works. It would also be quite difficult and expensive for users of music to locate and negotiate individual licenses for all of the works that might be used. Therefore, songwriters authorize collective licensing organizations, like ASCAP, to license public performances of their works on their behalf. ASCAP issues a license which, for a modest annual fee, grants music users the right to perform any or all of the millions of copyrighted musical works in ASCAP's repertory as often as they like. The blanket license saves licensees the paperwork, trouble and expense of finding and negotiating licenses and helps prevent the user from even inadvertently infringing on the copyrights of ASCAP's members.

Of course, if you plan to sell or distribute any videotapes, audiotapes or other mechanical reproductions, you will still need to obtain separate reproduction rights.

**Q. What kinds of performances are covered by the ASCAP Community Theatre license?**

A. The community theatre license covers only non-dramatic public performances of copyrighted music by means of a mechanical reproduction system, such as compact discs, radio rebroadcasts, tapes or other mechanical media with analog or digital origination.

**Q. What is not covered by the license?**

A. First and foremost, the ASCAP Community Theatre license does not cover dramatic performances, such as a performance of music as part of a musical comedy, opera, play with music, revue or ballet or the performance of one or more musical selections from such a musical or opera accompanied by dialogue, pantomime, dance or stage action.

With regard to non-dramatic performances, the license does not include live performances of copyrighted music in a non-dramatic setting, such as music performed in the course of concerts, recitals or non-dramatic musical reviews, live "lounge music" pianists, jazz or chamber musicians performing during a fund-raiser or similar event. In order to obtain permission for live performances, a separate ASCAP concerts & recitals license agreement may be obtained from ASCAP's Symphonic & Concert Licensing department.

**Q. Does the ASCAP license authorize dramatic performances?**

A. No. The ASCAP license permits only non-dramatic performances; it does not authorize dramatic performances, such as operas, musical comedies, revues and ballets. The interdisciplinary nature of theatre production generally means that during the course of a dramatic production, community theatres can be simultaneously creators and consumers of intellectual property. These so-called "musico dramatico" or "Grand Rights" uses are not covered by the ASCAP license. For clearance to use copyrighted materials in the course of a dramatic production, it is necessary to obtain that permission directly from the publisher or copyright administrator of the work in question.

**Q. When are the fees payable?**

A. Fees are payable by each September 1, and will cover the period of September 1 through the next August 31.

**Q. Do we get a discount?**

A. There is a significant discount available to those community theatres that are confirmed members of the American Association of Community Theatre (AACT).



**Please contact AACT at the following address for more information:**

American Association of Community Theatre  
1300 Gendy Street, Fort Worth, Texas 76107  
817-732-3177  
info@aact.org, www.aact.org

**If you have questions concerning the ASCAP license agreement or your responsibilities under the United States Copyright Law for performance of music at your concerts, please feel free to contact us at:**

ASCAP - General Licensing  
One Lincoln Plaza, New York, NY 10023  
1-800-652-7227, #1  
s&clicensing@ascap.com, www.ascap.com