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2015-01-01

### Letter, 1955 December 16, from Stanley Adams to Writer Members

Stanley Adams

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## AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS

575 MADISON AVENUE

NEW YORK 22, N. Y.



December 16, 1955

No. . . . .6750

Change in Plan of Distribution  
Effective January 1, 1956

TO ALL WRITER MEMBERS:

As you know, both the Writers and Publishers Classification Committees are continually reviewing the Society's survey and distribution system. As a result, both Committees have now concluded that effective January 1, 1956, the scope of Society's survey of local stations will be enlarged and that additional credit will be given for each performance appearing in the local survey.

In addition, it has been found appropriate to reduce the credit given on radio network sustaining programs. The enclosed Plan of Writer Distribution gives effect to the foregoing in a revision of Section I.

To give effect to the foregoing, the following changes will be made:

The survey of sampled individual stations is to be increased to include in the sampling approximately 150 additional stations—15 additional stations per day. The total sampling, that is the present sampled stations and the new stations to be sampled, are to be allotted a multiple of 20 for each performance in the survey instead of the multiple of 15 now in effect.

As you know, the credits allotted for television performances are adjusted so as to maintain approximately the same relationship between (a) the total number of credits in the Society's television survey and the total amount received in this field, and (b) the total number of credits in the Society's radio survey and the total amount received in that field.

Sincerely yours,

Stanley Adams  
President

SA:fh

REGULATIONS RE

- A. LICENSES ISSUED TO USERS\* BY MEMBERS OF SOCIETY
- B. COLLABORATION WITH NON-MEMBERS

A. The following shall apply in the case of musical compositions of member(s) of the Society which shall be the subject of licenses of the right of public performance for profit issued by members to users independently of the Society:

1. Each and every member of the Society issuing such a license must promptly notify the Society thereof in writing. Such notification must state the title of the composition, the names of the composer, author and publisher, the name and address of the licensee, and the period for which the license shall have been given. If the composition or the melody or lyric thereof shall have been previously known under another title, all pertinent data relating thereto shall be furnished.

2. No member of the Society may issue exclusive licenses of the right of public performance for profit to users.

3. No member of the Society may directly or indirectly grant, assign, or issue to any one other than a user, a license to perform publicly for profit (or to authorize others to do so) any composition written, composed, published, owned or controlled by such member; and all such grants, assignments or licenses are prohibited.

B. The following shall apply in the case of musical composition(s) written by member(s) of the Society in collaboration with non-member(s) who have granted assigned or issued to other licensing organization(s) a license to perform such composition(s) publicly for profit:

1. Any member of the Society who collaborates with a non-member in the writing or composition of, or otherwise (whether with or without knowledge), supplies the lyric or melody for, a composition with respect to which a non-member has granted, assigned or issued to anyone other than a user, a license to perform the composition publicly for profit shall not receive any credit for performances of such composition except in the case of compositions published prior to April 1, 1955, and of which the Society was theretofore notified by the member involved.

2. Any publisher member who publishes a composition coming within the purview of this subdivision "B" shall not be entitled to a greater share (if any) than shall be allocated to the writer members thereof.

3. The Society will not include in its repertory any of the compositions coming within the purview of this subdivision "B" except that in the case of such compositions published prior to April 1, 1955 and of which the Society was theretofore notified by the member involved, the Society will include such compositions in its repertory and will credit such member with 75% of the credit which normally would have been allotted to him.

AMERICAN SOCIETY OF COMPOSERS,  
AUTHORS AND PUBLISHERS

April 1955.

\* The term "user" means any person, firm or corporation who or which (1) owns or operates an establishment or enterprise where copyrighted musical compositions are performed publicly for profit, or (2) is otherwise directly engaged in giving public performance of copyrighted musical compositions for profit, or (3) is entitled to obtain a license from ASCAP under Section V of the Amended Final Judgment entered in the United States District Court for the Southern District of New York on March 14, 1950.



PLAN OF WRITER DISTRIBUTION  
Effective January 1, 1956

Allocation to respective funds:

1. Current Performance. . . . 20%
2. Sustained Performance. . . 30%
3. Availability . . . . . 30%
4. Accumulated Earnings . . . 20%

I. In determining performance credits, except as otherwise hereinafter specifically provided to the contrary, the following values are to be given for the initial performance on a program:

- a. Performance on all programs except network sustaining programs - 1 point (100%).
- b. A performance on a radio network sustaining program, irrespective of the number of stations on the network, is to be given a value equal to a performance on a radio network of three stations.

Note: Where a composition is performed more than once on a single program, additional credit of 10% of the value assigned to the initial performance shall be given for each such additional use.

For the purposes of this provision an entire period of broadcasting which is presented by the same dominant personality or under substantially the same title, or as a single show with different parts, shall be deemed to be a single program even though it consists of separate segments.

II. Theme songs - For the purpose of allocating credits to theme songs, all uses of a theme song shall be credited as follows:

(1) For all uses within the first sixty minutes of any given two-hour period, a theme song will receive credit for only one use, regardless of the number of actual uses during said sixty minute period.

For additional uses during the second hour (or fraction thereof) of such two-hour period, the theme song will receive additional credit for only 10% of a use, regardless of the number of actual uses during such second hour.

In no event shall a theme song be credited with more than 1.1 (one and one-tenth) uses during a given two-hour period regardless of the number of actual uses during such period.

(2) A theme song having to its credit in the Society's survey 20,000 or more credits will receive the same credit as any other like song, subject to the limitations set forth in sub-division (i) of this item "II";

A theme song with less than 20,000 credits but with 12,500 or more credits will receive  $\frac{3}{4}$  the credit of any other like song, subject to such limitations;

A theme song with less than 12,500 credits but with 5,000 or more credits will receive  $\frac{1}{2}$  the credit of any other like song, subject to such limitations;

All other theme songs irrespective of whether the song is on a commercial rate program or on a sustaining program and irrespective of the hour or day of the week when such program is given, will receive credit during any given five-hour period as follows, regardless of the number of actual uses during such period:

For performances by less than three instruments -  $\frac{1}{10}$ th of 1% of a point.

For performances by three or more instruments - 1% of a point.

In case there shall be any question as to the category under which any particular theme song or songs shall come, the Classification Committee shall decide.

III. Jingles - For the purpose of allocating credits to jingles, all uses of a jingle shall be credited as follows:

(1) Jingle credits will be tabulated on a weekly basis. Each week will commence on Sunday at 4 A.M. The initial credit for each week will be equal to that which is allocated for the performance having the highest credit during that week calculated on the basis of "I" above, and the provisions of this item "III".

(2) Not more than one additional 10% credit will be given in any five-hour period during said week.

(3) A jingle having to its credit in the Society's survey 20,000 or more credits will receive the same credit as any other like song, subject to the limitations set forth in sub-division (1) and (2) of this item "III";

A jingle with less than 20,000 credits but with 12,500 or more credits will receive  $\frac{3}{4}$  the credit of any other like song, subject to such limitations;

A jingle with less than 12,500 credits but with 5,000 or more credits will receive  $\frac{1}{2}$  the credit of any other like song, subject to such limitations.

All other jingles, subject to the same five-hour provision, will receive credit as follows:



For jingles that have been used on network programs for less than one complete year 5%.

For jingles used on network programs after one full year of use 10%.

- IV. Copyrighted arrangements of works otherwise in the Public Domain - the Committee recognizes that these arrangements are of different character and are consequently entitled to different treatment, as follows:

The first classification will include works which, although based on Public Domain numbers, contain so much new material as to justify their classification as new works. These works will receive the performance credit to which they would be entitled as new works, based on the program on which they are used.

The second classification will include all other arrangements, which will receive credit as follows:

For performances by less than three instruments - 2%.

For performances by three or more instruments - 20%.

- V. Works of longer than three-minute duration performed on other than dance programs will be credited as follows:

MINUTES	POINTS
4 to 5	2
6 to 10	5
11 to 15	9
16 to 20	14
21 to 25	20
26 to 30	28
31 to 35	36
36 to 40	44
41 to 45	52
46 to 50	60
51 to 55	68
56 to 60	76

For each additional 5 minutes

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Copyrighted arrangements of works in the Public Domain in the above categories - 15% of the respective number of points set forth above.

- VI. Background cue music, i.e., music used as bridges, cues or merely background, whether written especially therefor or just selected from the Society catalogue and thus used, shall be credited as follows:

For performances by less than three instruments -  
1/10 of 1% of a point.

For performances by three or more instruments -  
1% of a point.

In case there shall be any question as to whether any particular use or uses shall come under this category, the Classification Committee shall decide.