

This Day in History... February 13, 1914

Founding of ASCAP

On February 13, 1914, the American Society of Composers, Authors, and Publishers (ASCAP) was founded in New York City. The organization works to protect musical copyrights in various media.

For many years, composers and publishers made most of their money from sheet music sales, particularly for personal use. However, by the start of the 20th century, sheet music was being purchased for performances in nightclubs. The clubs made huge profits while the publishers only received payment for the cost of the printed musical scores.



Issued at ASCAP's headquarters for the organization's 50th anniversary.



Berlin was one of the founding members.

A major change came in 1909 with the passage of a new copyright law that granted artists the rights to how their work was used, similar to how patents provided protection to inventors. This new law also applied to the public performances of musical works.

A few years later, composer Victor Herbert was passing through a hotel when he heard one of his songs being played. He hadn't been paid for his music to be used there, a direct violation of the 1909 copyright law. Herbert was then inspired to form his own organization to combat the illegal use of creative works.

In October 1913, Herbert and eight other people met to discuss such an organization. On February 13, 1914, they held their first official meeting. Initially, the American Society of Composers, Authors, and Publishers had about 100 members, including Irving Berlin, James Weldon Johnson, Jerome Kern, and John Philip Sousa.

In their effort to enforce the copyright law, ASCAP collected all their members' works in a catalog and hired a staff to oversee their public performances. Anyone that wanted to use this music had to license the entire catalog, not just a single song.

Initially, ASCAP met stiff resistance. Restaurants and nightclubs had been using this music for free for some time and didn't want to start paying. They threatened to halt music performances, which led some to panic. However, ASCAP won a series of important court cases supporting their rights.



From the Prominent Americans Series



Sousa was an early member of ASCAP.

In the 1917 case of *Herbert v. Shanley*, Chief Justice Oliver Wendell Holmes stated that "If music did not pay, it would be given up. Whether it pays or not, the purpose of employing it is profit and that is enough."

Eventually, these businesses got on board and were paying \$8.23 a week to license ASCAP's catalog. ASCAP would go on to face similar resistance from the film and radio industries but eventually won those battles as well. Today ASCAP has over 775,000 members with more than 11 million registered works

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