

ASCAP Refuses to Accept TuneSat Monitoring. What's Up With That?

Thursday, October 25, 2012

by [paul](#)

ASCAP is one of the largest royalty collection organizations in the world. TuneSat is a recently-launched monitoring company, with an initial focus on detecting unreported songs used in television shows and commercials. In fact, TuneSat believes that [80 percent](#) of songs are not properly reported, and they have the monitoring stats to back those claims.

So why would ASCAP refuse to accept TuneSat's reports? Here's a statement from TuneSat executives Scott Schreer and Chris Woods on the matter. Both are active film/TV composers and producers.



One of the most important but least known copyrights is the right of public performance. In a nutshell, if you wrote a song and it's performed on TV, radio, or even the supermarket, you are entitled to receive public performance royalties. Songwriters and publishers typically become members of performing rights organizations (PROs), such as ASCAP and BMI. These societies are hired to license the public performance of their music and pay them for their broadcast performances. Last year, US societies collected and distributed nearly \$2 billion dollars in royalties.

"Anyone who has music being broadcast on TV today should know they're not being paid properly for their performances."

Politics aside, this is mostly due to the manual reporting process called cue sheets, which is how TV broadcasters report the use of music to the PROs. This is where the system is broken. This process has more or less been the same since the beginning of TV.

More than ten years ago, we tested an audio detection technology to monitor the use of music from the [Freeplay Music](#) catalog that was broadcast on national TV. After almost three years of tracking, we were astonished to find that on average, **about 80 percent of the detected performances were not accounted for on our ASCAP/BMI royalty statements**. Since then, we have found similar results for other writers and publishers all around the world.

Lately, there's been a lot of attention paid to our claims that 'up to 80 percent of music on TV goes unreported or misreported.' Don't take our word for it. Here's Freeplay's actual 2011 [ASCAP royalty statements](#) and [TuneSat detections](#) for that same period. There were 3,273 detected performances of Freeplay's music by TuneSat, of which only **170** of them were paid to Freeplay by ASCAP. That means that both Freeplay and its hundreds of composers were not paid on **95 percent** of music performances on TV shows that should have been reported on cue sheets and paid for by ASCAP.

80 percent is just an average. Sometimes it's less, sometimes it's more. The point isn't about whether it's 12 percent or 80 percent — the point here is that in a digital age there are **any discrepancies at all**. Consistently, there is an overwhelming amount of unreported performances, which supports the fact that the current reporting system is broken and in dire need of an overhaul. Like

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so many other music composers and publishers, we all just want to be paid what we're really owed in a transparent, timely and accurate manner. No more, no less.

Since most music performed on TV is underneath other audio elements, we developed TuneSat specifically to identify music in "dirty audio" (voice-overs, sound effects, crowd noise, etc.). [Click here](#) for an example of a dirty audio detection.

"Right now, ASCAP and BMI refuse to accept TuneSat data as proof to pay songwriters all the money they are owed, even with TuneSat providing downloadable recordings of every detection."

This simply makes no sense. We believe all songwriters should get paid for all uses of their music utilizing the best and most accurate method of reporting.

If you would like to learn if ASCAP, BMI, or any performing rights organization anywhere TuneSat monitors, is underreporting and underpaying you, go to tunesat.com/30day and we'll track up to 100 songs completely free for 30 days. So, like us, you too can see all the music performances you're not getting paid for.

Scott Schreer & Chris Woods

TuneSat

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COMMENTS (32)

@jamesotto Thursday, October 25, 2012

All songwriters should read this if you care about being paid all that your owed.

@ronstew Thursday, October 25, 2012

WFOA.

Incomplete Friday, October 26, 2012

Has DMN reached out to ASCAP or BMI for comments? Love to see what their reasons are.

paul Friday, October 26, 2012

Yes, we did contact ASCAP prior to the publication of this article. There is no statement from them at this time.

/paul

Incomplete Friday, October 26, 2012

Please post if and when they do respond. There is always two sides of the story.

paul Friday, October 26, 2012

Ha, more like three sides. TuneSat's side, ASCAP's side, and the truth. If you can handle that.

/paul

Visitor Friday, October 26, 2012

If this note is from [Paul Resnikoff](#), Why didn't you take the time to try to pursue the truth?

↳ **Visitor** Friday, October 26, 2012

@visitor

<http://plato.stanford.edu/entries/truth/>

↳ **paul** Monday, October 29, 2012

I think what you're asking is, why not fact-check and examine every claim made by TuneSat, even if ASCAP declined to comment?

The answer has to do with the approach to this topic matter - I've chosen to give TuneSat the floor, with the implicit understanding that the reader can judge for himself or herself. Furthermore, this approach increases the chances of ASCAP (or BMI, or another collection society for that matter) actually responding, which would provoke very needed debate in this area.

/paul

“ **R.P.** Friday, October 26, 2012

— the point here is that in a digital age there SHOULDN'T be **any discrepancies at all**.

...but there are. Let's fix this. preposterous. all it takes is someone to make a digital cue sheet interactive app on an ipad.

Let's do it and get me credit ;)

“ **Greedy McFatCat** Friday, October 26, 2012

But if I have to pay the money I collected, how will I earn any interest? [lights cigar with \$100]

“ **Visitor** Friday, October 26, 2012

Both societies do already use digital fingerprinting in some capacity at least.

One problem I see with Tunesat is their rates, for a publishing catalogue of 100 songs, just to monitor the U.S. they would charge you \$420 per quarter (plus the initial setup fee of \$70) so you would have to be getting an additional \$1750 in royalties from ASCAP/BMI in that first year just to break even.

And you have to remember that the PRO's have a finite amount of money to go round. If everyone suddenly starts submitting Tunesat data to them it will likely ultimately lead to an increased number of royalty lines but ultimately no more royalties. That's not to say that improving accuracy through digital fingerprinting is a bad thing, it is of course a good thing but it doesn't quite guarantee the pot of gold that some people seem to think it will.

↳ **musicservices4less** Friday, October 26, 2012

Very astute comment and I agree. Also note that nothing requires ASCAP/BMI to enter into an overall agreement with TuneStat or any other entity regarding detection of use of musical compositions. I believe the current PRO rules require the Publisher/Writer of the song in questions to submit any detailed use and/or cue sheet for each undetected use not a third party. Also, once detected, what about the publisher/writer going after a synch license if it is used in a commercial or TV show, which is MUCH more lucrative. Just sayin'

↳ **Visitor** Friday, October 26, 2012

And where is the question about TuneSat's reliability? Outragious prices and unreliable data is TuneSat's problem. Lately it feels like DMN is running paid ads as stories... and that's a question about DMN's reliability!

↳ **Incomplete** Friday, October 26, 2012

I agree with this and that is why I asked if DMN even inquired with ASCAP or BMI. This article appeared to be a straight TuneSat ad. I do agree that the PROs should utilize this technology so it seems counterproductive for TuneSat to be publicly fighting with them instead of trying to work with them to a.) license the PROs their technology or b.) come to terms with the PROs on reliable data delivery.

And yes, TuneSat's fees are outrageous. I tried it out for 4-5 months with 10 songs and it just wasn't worth it.

↳ **Paid ads** Friday, October 26, 2012

DMN has already run paid ads from them, as I recall. They were on the emailed newsletter.

So, yeah, good comment.

↳ **paul** Friday, October 26, 2012

They had a campaign with Digital Music News at the tail end of 2011, which I think will always draw this sort of accusation.

They are not a current advertiser, nor was any money transferred for this guest post. I gave TuneSat the floor, and let them say whatever they wanted. Now, ASCAP can take it as well.

Hope that clarifies.

/paul

“ **@RichardMRivera** Friday, October 26, 2012

Can't teach an old dog new tricks.

“ **@MWhalenMusic** Friday, October 26, 2012

The war for the future of performance royalties begins in earnest..

“ **DB** Friday, October 26, 2012

Anyone who has seen the Tune Sat report know that it's bunk. Their technology simply doesn't work. For example, many composers use common royalty free drum loops. The technology picks up these common drum loops and lists many false positives. I have first hand experience with getting legal calls about infringement. They used Tune Sat. When we went back and viewed the tapes and the edit logs, none of the so called claims were legitimate.

This is nothing but flag waving and chair tiling by Tune Sat. And by insulting ASCAP and BMI, the primary payee for many of these artists, is a very poor business model, essentially encouraging composers to bite the hands that feeds them (and ultimately Tune Sat). It's a model that didn't work in the late 90's by attacking the record industry, and its foolish to do so now, attacking the PROs.

Attacking ASCAP and BMI for not using it because of some latent desire to cheat their composers, or because of sloth is absurd. They don't use it because it's a flawed system and it doesn't work.

“ **Pat** Friday, October 26, 2012

when issuing Synch License for TV, comercials, plays. Ascaph ask that you or the producer send a Cue sheet. If the producer or the Publisher or writer send in a Cue sheet, who is on the other end monitoring if they are getting paid. I went into Ascaph system to see if the Producer

had reported his Cue sheet. He had not. So I put in a request, but how many people have that kind of time to follow up behind if there music is being reported. We pay for a service. If there software is not up to date to follow the use. that should be a a concern to Ascap & BMI writers. ASCAP & BMI should update and invest into there system to provide more profit for there writers and well as themselves

“ **John Matarazzo** Friday, October 26, 2012

I don't see how anyone can create an algorithm that will be able to sort royalty free loops and clips used by many composers today from works created from whole cloth.

I understand that the software can sort out and recognize music under the noise and chatter but in todays world of composition that's only the first step

“ **Alan** Friday, October 26, 2012

Further - cue sheets are still needed to categorize the type of performance (background, background with vocal, feature, theme, etc..) Tunesat may detect a performance, but it does not know the classification of the performance.

We need innovation in this industry. How can we get this started?

↳ **BGR** Saturday, October 27, 2012

Tunesat provides a downloadable audio recording of each detection which allows you to determine the useage type. By providing the audio its proof positive of the use and useage type eliminating the wrong useage designation often supplied by the intern who filled out the cue sheet incorrectly - if at all! Works great by the way.

↳ **Visitor** Tuesday, October 30, 2012

Exactly how could someone distinguish a background use from a visual use if all Tunesat provides is a downloadable AUDIO recording? Not possible without a visual reference.

↳ **Guest** Tuesday, October 30, 2012

Can you tell by this audio clip if the people on screen are singing along, or if it was playing on the radio in the car during the scene? There is no way to know if it was a visual vocal or a background vocal. There are different pay out rates for all of these performance types. Unless TuneSat can identify these usages correctly everytime... useless...

“ **Guest** Saturday, October 27, 2012

Why do you all read one article - and a story that's been hovering around for sometime now - and simply believe it to be true? So, everything on the internet is true now? Most of you are guessing about what ASCAP does and does not do. Go to their website at ASCAP.com, read up and if you're a member, call Member Services and ask them a question. Maybe, just maybe, there are other services and data and solutions that ASCAP has been using for decades that actually work just fine.

↳ **Frustrated Royalty Tracker** Monday, October 29, 2012

As someone who is working in the industry, specifically in royalty accounting for a significantly large catalog of music, i can honestly say that royalties are missed, always, and that the system of cue sheet reporting is at the center of it. What's ironic about this story is that our company has looked into using TuneSat for this very purpose; however, after speaking to a high-ranking ASCAP individual, we were told flat-out, what TuneSat has stated here: ASCAP does not use the reports generated by TuneSats technology as a means to better pay royalties to the writers and publishers that are owed to them. Their solution? "Submit to us media buys, cue sheets, and Ad-codes supplied by Competitrack (if the song was used in a commercial)." The problem is that we, and countless others do. At the end of the

day, the PROs methods are severely outdated.

↳ **Guest Saturday, November 03, 2012**

Sorry, one more time. All I'm saying is that why do you blindly believe Tunesat is better than what ASCAP and other PROs use? This DMN piece is not an article. Its a blatant ad to sell a product based on one single unsubstantiated claim of "80% unidentified" performances.

“ **LA composer Tuesday, October 30, 2012**

Main reason: RE-TITLING NON-EXCLUSIVE LIBRARIES

Broad use of non-watermarking technology, like TuneSat, would kill this section of the industry. Big players like Getty Images are in this group.

There's no way re-titling libraries are going down without a fight.

↳ **Guest Thursday, November 01, 2012**

Yea, they have no way of identifying who the publisher is. exactly.

what a mess

how can we ban re-titling, is that possible?

↳ **You Cannot Ban Re-Titling Thursday, November 01, 2012**

Nobody has the right to tell a composer what they can do with their work. It's their "legal right" to do whatever they want with their compositions and masters. For a composer to sign their songs over to one library would be a financial mistake. What if that library doesn't get many placements (or any!). Composers have the right to assign their music on a non-exclusively basis to several libraries in hope that the more libraries representing their music the more placements it will bring.

Big libraries such as Megatrax are very against re-titling. That's because they don't want the competition and want to squash the smaller libraries.
