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**Sent:** Wednesday, August 7, 2019 11:31 AM  
**To:** ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>  
**Subject:** Comment for Antitrust Consent Decree Review - ASCAP and BMI 2019

This comment is respectfully submitted to the Department to request consideration of the impact on local governments and municipalities which may result from modification or extinguishment of the consent decrees currently applicable to Performing Rights Organizations ASCAP and BMI.

It can be argued the consent decrees in their current format provide important protections which foster competition and minimize the ability for disparate treatment or application among user-participants, and further offer the "blanket license" approach to minimize licensees' exposure to claims of copyright infringement. We acknowledge these important efforts, however, also have significant concerns regarding protections afforded to municipal entities and their ability to operate under these licenses in a meaningful way without substantial financial burden is of paramount importance.

In response to the substantial challenges faced by local governments in attempting to navigate and comply with the numerous restrictions applicable via music licensing agreements through collective licensing organizations like ASCAP and BMI, the International Municipal Lawyers Association, on behalf of its' member entities, negotiated a series of License Agreements for Municipalities and Governmental Entities with the collective licensing organizations. The intent was to streamline the process, ensure streamlined compliance, and protect municipal entities from predatory activities and unreasonable fees associated with use.

As with most functions of local government, the purposes for which music is utilized in our parks and recreation organizations is for the primary public purpose of providing or enhancing patron services and experiences. Uses cross a wide range of functions, from fitness classes to outdoor concerts to background music at aquatics facilities. Municipal entities' continued ability to provide these service enhancements through the use of music remains contingent upon their ability to obtain the rights for use at a fair and equitable price in order to balance their responsibility as stewards of tax dollars.

It is with this in mind that we respectfully request thoughtful consideration be given to municipal entities' positions with respect to these Performing Rights Organizations as the consent decrees are reconsidered. Further, we request the review body take this opportunity to consider furthering the work started by IMLA to protect municipal entities, through limiting of these organizations' ability to charge or assess municipal entities for use of music in their respective public programs and activities.

We are happy to provide additional information if needed in support of these statements. Thank you for your consideration.

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