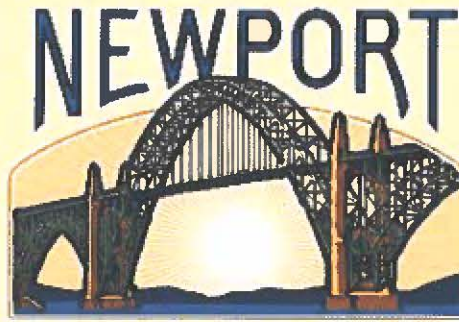


169 SW COAST HWY
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



www.newportoregon.gov

MOMBETSU, JAPAN, SISTER CITY

June 24, 2019

US Department of Justice

E-Mail Address: ATR.MEP.Information@usdoj.gov

RE: City of Newport - Comments on Antitrust Consent Decree - ASCAP
And BMI 2019

Because the Department of Justice is opening for comment its preliminary process relating to BMI and ASCAP, the City of Newport would like to add their voice to the mix. These agencies have the SOLE functional authority to determine by their fee structures and subsequent enforcement whether a venue can offer live music that includes copyrighted material or not. The fee structures, largely assessed on the basis of local establishment's renditions of seating capacities (as opposed to actual occupancy) have become unrealistic for many of our small venues, and are preventing the presentation of copyrighted live music.

While the concept of remuneration for intellectual property is not being challenged, the arbitrary fee structures for those performances rights are neither reflective of potential rewards to venues who offer live music (receipts); nor is it relevant to any specific "damages" to copyright holders, that could be attributed to their performance in a particular small venue. Also, these are blanket assessments made and offer no opportunity that performances, and the accrued arbitrary fees assessed by licensing organizations be pro-rated as it pertains to performing artists' original material vs. material already copyrighted by others - "covers" as it is commonly referred.

Oregon has a vibrant music performance community of national repute, yet venues that are allowed to offer these same entertainments as a cultural service to both audiences and the creators of music plying their trade and honing their own art are falling like flies because of the current unrealistic fee structures that stand unchallenged. Not only is the "trade" of venues and artists being "restrained", but also the fundamental performance process that underwrites the creation of original material itself. The trade and the muse reside ALWAYS - in the many small venues where aspiring artists hone their craft - and create the material that licensing agencies will inevitably someday become the "collection agent" for these materials.

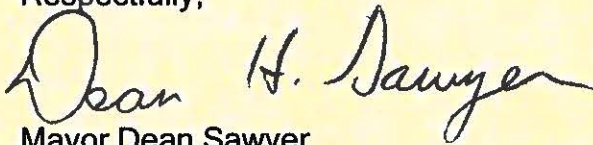
EST.

1882

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June 24, 2019

Newport has a robust community of live musicians that are enjoyed by both the locals and tourists alike. I would hope that you would take my comments into consideration and express my views.

Respectfully,

A handwritten signature in black ink that reads "Dean H. Sawyer". The signature is fluid and cursive, with the first name "Dean" and last name "Sawyer" clearly legible, and "H." in the middle.

Mayor Dean Sawyer
Newport, Oregon

cc: Senator Ron Wyden
Senator Jeff Merkley
Representative Kurt Schrader