



## **More Than A Movie**

Department Of Justice

8/9/19

To Whom It May Concern:

I write to urge the Department of Justice to preserve the American Society of Composers, Authors and Publishers (ASCAP) and Broadcast Music, Inc. (BMI) consent decrees (the “Decrees”), and particularly to urge the Department to maintain the movie theater licensing exemption embodied in Sections IV(E) and (G) of the ASCAP Decree. For decades, this provision has benefited consumers and artists, and should not be subject to the ensuing uncertainty that would follow termination of the Decrees.

Currently when we exhibit a movie, we secure a single license from the movie distributor that covers all the various rights for the music with the distributor. The payments we make to the distributor after we negotiate the rental are inclusive of all rights and licensed content. The film distributors negotiate the rights with the music companies and other license fees clearing all rights for the theater to show the film. Our theaters must show the films with no alterations and really have no choice on what music is included in the films audio track. Naturally, the distributors of the films are in a much better position to negotiate with the music industry while making their films. We are a small business and do not control the films music or content. We currently already work with up to 15 studios in booking our films and if we also had to work with music licensing groups each time we had to book a film and with little leverage since our size is so small I am afraid it would place an undo burden on our business with extra expenses, absorbant music license fees and very little to no choice in not playing said music. The movie theater licensing exemption places the negotiating responsibility for music in movies where it belongs, with the party selecting the songs for films.

The Decrees benefit consumers by helping to keep the moviegoing experience affordable, and ensuring that it retains the variety of programming consumers expect. Movie theaters already struggle to keep ticket prices low in the face of increased regulation and costs of doing business. Unchecked performing rights organization license fees, combined with the licensing fees paid to movie distributors, would come right off the theaters’ bottom lines to the detriment of moviegoers, songwriters, and filmmakers. Without the

protections offered by the Decrees, the competitive marketplace for public performance rights enjoyed by movie theaters would likely evaporate, and the impact of new, unregulated performing rights organizations fees could force movie theaters into downsizing or closure.

I urge you to keep the protections offered by the Decrees. Thank you for your time.

Sincerely,  
John S. Walker  
Cinema Café- President

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