

From: Jon Elbaum <[REDACTED]>
Sent: Wednesday, August 7, 2019 4:06 PM
To: ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>
Subject: Performing Rights Organizations

I am writing to express my strong opposition to any change to the Antitrust Consent Decrees that have regulated the Performing Rights Organizations (PROs), including Broadcast Music Inc. (BMI) and the American Society of Composers Authors and Publishers (ASCAP), since the early 1940s.

I support the right of creators and artists to be compensated for their work, and the performance of their work, but it must be reasonable. This is a cash grab, pure and simple. It would cause irreparable harm to the music industry, especially in the nonprofit sector.

The termination of the Consent Decrees would allow the PROs to significantly increase rates without any judicial or DOJ oversight. It would also allow the PROs to charge different fees to similar presenters. It would give the PROs the ability to decline licenses, in effect giving the PROs control over which acts are available to specific communities nationwide. This seems contrary to a free market, and very undemocratic, and very un-American.

BMI is in the Rate Court right now requesting the addition to their licensing fees of ancillary incomes from hospitality and other services that have nothing whatsoever to do with the creation or performance of music and art. Although we do not know how the Rate Court will decide this issue, without judicial oversight under the Consent Decrees, it will be much easier for the PROs to pursue these claims. I urge the DOJ to protect the interests of nonprofit presenters from the near monopoly power given to PROs.

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