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Sent: Friday, August 2, 2019 4:25 PM
To: ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>
Subject: ANTITRUST CONSENT DECREE REVIEW - ASCAP and BMI 2019 - Public Comment

In response to the invitation to provide public comment on the Antitrust Consent Decree Review for ASCAP and BMI, following are comments from Seattle Center:

Seattle Center is a department of the City of Seattle. The 74-acre Seattle Center campus is home to a variety of theatres, performance venues, and entertainment facilities as well as offering outdoor park and public spaces and public gathering spaces. We serve over 12 million people a year and have approximately 14,000 performances/year. Included in those performances are a wide range of free and accessible public programming. We currently hold municipal licenses with ASCAP, BMI and SESAC. The licenses do not cover venues leased or operated by our tenants or paid, ticketed events, but all of Seattle Center's free and accessible programming, and the music played in the public spaces or at the fountains are covered by the licenses.

To date, our experience has been that the Consent Decrees serve a vital purpose, making it possible for Seattle Center to fairly compensate the music industry for use of their product while ensuring that the City is not inundated with individual requests for payment or overwhelmed with the administrative tasks of multiple licenses. We are not aware of any portion of the Consent Decree that is no longer important today but recognize that our type of use does not encompass the complete range of issue covered by the decrees.

One modification to the Consent Decrees which we believe could enhance competition and efficiency is to update the municipal licenses to address changes in technology, especially the inclusion of internet broadcasting. It is our understanding that a nonprofit license is required for internet broadcasting, but as a municipality we do not qualify for a nonprofit license.

We do not support elimination of the Consent Decrees and would even support similar requirements being in place for other music organizations. For example, we have recently been approached by an organization called Global Music Rights. They are not a Performing Rights Organization (PRO) but want various departments with the City of Seattle to purchase a license. While Global Music Rights is not subject to the consent decrees in question, it would be useful to have organizations like Global Music Rights subject to similar terms.

The decrees have created a framework within which the industry must operate. If that framework is removed, we are concerned that the industry could become fragmented and predatory, making it difficult and potentially more costly, to ethically provide music for the pleasure and entertainment of the public.

Thank you for the opportunity to comment.

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