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Sent: Wednesday, August 7, 2019 2:21 PM
To: ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>
Subject: Antitrust Consent Decrees with ASCAP and BMI

Good Afternoon,

I am an Assistant City Attorney for the City of Springfield, MO and work with our Springfield-Greene County Park Board, which is an Administrative Board of the City. The Park Board purchases licenses from both ASCAP and BMI and has encountered minimal problems with either. If contacted concerning a usage and we respond with our license information, the representative has not pursued the matter further. On behalf of the Park Board, I am submitting the following comments to your specific questions, but with the primary response that we believe the Consent Decrees should remain in place. Thank you.

In particular, the Department seeks public comments on the following issues:

- Do the Consent Decrees continue to serve important competitive purposes today? Why or why not?
- Yes, they serve extremely important purposes in keeping these companies inline and competitive, while protecting the interests of governmental entities.
- Are there provisions that are no longer necessary to protect competition? No. Which ones and why?
- Are there provisions that are ineffective in protecting competition? Which ones and why? If possible, additional provisions should be added to protect governmental entities that already have applicable licenses and that would prohibit a company from undue harassment trying to get additional licenses purchased - i.e. make them do their homework before contacting someone and alleging unauthorized usage.
- What, if any, modifications to the Consent Decrees would enhance competition and efficiency? If possible, additional provisions should be added to protect governmental entities that already have applicable licenses and that would prohibit a company from undue harassment trying to get additional licenses purchased - i.e. make them do their homework before contacting someone and alleging unauthorized usage.

- Would termination of the Consent Decrees serve the public interest? **No.** If so, should termination be immediate or should there instead be a sunset period? What, if any, modifications to the Consent Decrees would provide an efficient transitional period before any decree termination? **We believe the consent decrees should not be terminated as they provide boundaries and guidelines for the actions and assertions of the applicable companies.**
- Do differences between the two Consent Decrees adversely affect competition? **No.** How?
- Are there differences between ASCAP/BMI and PROs that are not subject to the Consent Decrees that adversely affect competition? **Unknown.**
- Are existing antitrust statutes and applicable caselaw sufficient to protect competition in the absence of the Consent Decrees? **No.**

<https://www.justice.gov/atr/antitrust-consent-decree-review-ascap-and-bmi-2019>



[ANTITRUST CONSENT DECREE
REVIEW - ASCAP and BMI 2019 -
justice.gov](https://www.justice.gov/atr/antitrust-consent-decree-review-ascap-and-bmi-2019)

www.justice.gov

Related Documents: ASCAP - Second Amended Final Judgment (June 11, 2001) BMI - [Amended] Final Judgment (November 18, 1994) Related Pages: U.S. v. The American Society of Composers, Authors and Publishers; U.S. v. Broadcast Music, Inc. (2017) Antitrust Consent Decree Review - ASCAP and BMI 2014

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