

From: Steve Amerson <st[REDACTED]>
Sent: Monday, June 10, 2019 11:39 AM
To: ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>
Subject: The PROs

To Whom It May Concern,

While you are considering Consent Decrees, it would be helpful if the Department of Justice would explore what is happening to school, college and university bands and choirs, orchestras, performers and arrangers across the nation. It is related to the PROs.

Many publishers are now demanding fees to perform “arrangements” of songs in live settings. This new fee is in addition to the PRO licenses that venues already pay. This is having a devastating impact on students, musicians, performers and audiences.

There are possible antitrust violations at play here as there seems to be a relatively constant fee (\$430) per arrangement that publishers are demanding. And a preponderance of publishers are directing those wanting to obtain licenses to one entity. There is virtually no competition. One publisher (Hal Leonard) evidently controls 80-90 percent of all popular song. Supposedly they direct all live arrangement licensing inquiries to what has become pretty much the only means of attaining this new license.

With this new interpretation of the copyright statute every new arrangement must be given to the agent of the publishers and a fee paid. Then a “rental” fee must be paid every time the arrangement is performed. The arranger or person or entity who paid for the arrangement no longer has any ownership.

There are some choirs, bands, orchestras, performers and arrangers that have been sued or threatened to comply with this new interpretation of the copyright statute. Fear has gripped the industry and stakeholders are afraid to talk about the problem.

What is the point of having a license with a PRO if another fee is now being demanded to perform arrangements of songs? It renders the PRO license worthless. Only in the past 4 or 5 years has this practice been done in over 80 years of the copyright statute. Congress certainly could not have intended this when the copyright statute was written.

This is an issue that desperately needs your consideration and you consider the consent decrees.

Sincerely,

Steve Amerson



11856 Balboa Blvd. #337
Granada Hills, CA 91344

[818.368.0749](tel:818.368.0749)
www.steveamerson.com
www.classiccp.com
www.amazedbyamerica.com