

From: Rachael Frank [mailto:rachaelfra [Redacted]]
Sent: Friday, November 20, 2015 12:02 AM
To: ATR-LT3-ASCAP-BMI-Decree-Review
Subject: Comment on Fractional Licensing from Los Angeles Songwriters



November 19, 2015

Department Of Justice
950 Pennsylvania Avenue,
Washington, DC 20530
Attn: Ethan Glass, David Kully, Dan McQuaig, Jeff Wilder, Evan Gee, Bill Nye

Dear Sirs,

We are writing to you today as SONA (Songwriters of North America), a group of deeply concerned songwriters & composers who are independent of any representation by record labels, music publishers, PROs, or streaming media services. We are the many middle-class music creators who contribute significantly to the multi-billion dollar domestic music industry and the billions of dollars the United States exports all over the world each year to people who are fans of American-made music.

We are no different than other small business owners across America who are raising families, paying mortgages and saving for college educations. But in the past several years we have seen an alarming decrease in revenue due to the way streaming services and other music users compensate us for our work.

We strongly believe that all music creators will be irreparably harmed and suffer further diminishing income streams should the long-established music publishing practice of fractional licensing be done away with. How your office rules on this issue will have major ramifications for the value of our past work and future livelihoods.

If the DOJ should abandon the long-established industry practice of dealing fractionally with split works (co-written works) in favor of a mandatory 100% licensing model, it would unfairly take away each creator's right and ability to have a say in where and how their work is used.

It is a long-standing practice that co-writers have both verbal and written agreements that each are licensing only their shares independent of the other, whether or not we use ASCAP or BMI. Collaborators have never been responsible to account to each other unless they choose to do so.

Having a PRO we did not choose to affiliate with be responsible for accounting to and paying us our share of a license is a situation that would be chaotic. If the licensing PRO is not the one we chose and signed an agreement to be with, that PRO could reduce our payment by its own overhead rate even before it enters our chosen PRO's distribution system. Distributions would ultimately be subject to further unnecessary delays by this. Further, we could suddenly find ourselves subject to a distribution methodology to which we never agreed. It would ultimately diminish the value we receive for the use of our creative work.

While there are plenty of things wrong with the music industry that need your attention, this is not one of them. We would urge you to please allow something that is working properly in our industry to continue to do so. As the old adage says "If it isn't broken, don't fix it". Thank you for taking the time to consider our position.

Sincerely,

SONA - Songwriters of North America (Los Angeles Branch)

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