

From: Robert Regan <regan6[REDACTED]>
Sent: Tuesday, August 5, 2014 12:56 PM
To: ATR-LT3-ASCAP-BMI-Decree-Review <ASCAP-BMI-Decree-Review@ATR.USDOJ.GOV>
Subject: Songwriter comments

My name is Bob Regan and I'm a professional songwriter and an ASCAP member from Nashville, Tennessee. I've made a living doing this for 35 years, thanks to the rights enshrined in Article I, Section 8, of the U.S. Constitution.

I won't pretend to understand the exact language of the ASCAP Consent Decree, but here is something I understand very well on a personal level and which is reinforced every time I look at my rapidly diminishing royalty payments. The market for, and distribution of, music has changed drastically over the past decade. The terms of the Consent Decree, originally filed in 1941 and revised minimally since then, have failed to keep pace with these changes in the marketplace.

The "right" inherent in my copyright has seemingly been stripped from me and handed over to those who distribute my songs, often major corporations with billions of dollars in capitalization. ASCAP is required to grant those entities a blanket license to use my music, but those same entities are under no obligation to pay the licensing fees ASCAP determines. Instead, while they continue to use my music for their own economic gain, they are allowed to take us—ASCAP and, vis-à-vis, me—to federal court where we must prove, at our own expense, the "reasonableness" of ASCAP's said fees.

We songwriters have both hands tied behind our backs in this fight. While we must allow the marketplace the use of our songs, we are not allowed to use that same marketplace to determine the value of our songs. That is determined by one judge, appointed for life, in one federal court. Thus, the original intent of copyright law has been turned on its head, along with songwriters' longstanding business models, and our micro-pennies are slipping out of our pockets into the outstretched palms of the Pandoras of the world, all with the blessing of the federal court.

What I ask is this: When considering changes to the Consent Decree, keep songs and their creators, (i.e. "Authors and inventors", the only occupations singled out for protection in the Constitution) at the forefront of the proceedings. If we continue to be deprived of the ability to make a living, the entire music industry--an inverted pyramid balanced on the fulcrum of a song--will topple.

Bob Regan

Nashville, TN