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Sent: Thursday, July 31, 2014 1:21 PM
To: ATR-LT3-ASCAP-BMI-Decree-Review <ASCAP-BMI-Decree-Review@ATR.USDOJ.GOV>
Subject: Comments from Atlas Music Publishing (Independent US based Music Publisher)

To Whom It May Concern:

I appreciate the opportunity to weigh in on the consent decree topic. I currently serve as the CEO of Atlas Music Publishing, an independent music publishing company representing a multitude of hit songs across the globe. As an independent publisher for the past 15 years, I can tell you that the landscape has changed so dramatically in the licensing space that the current consent decree is not effective. In fact, it is detrimental to publishers and writers.

Never before has there been such a need for ease of use, mass licensing in an instant. In order to survive in today's fast paced digital market, we in the publishing community have to be assured that our performance rights organizations, and any other entities that we allow to license our songs in a bulk fashion, are able to do two key things:

1. License at a fair market rate BEFORE songs can be used. We cannot continue in a system where a digital distributor is allowed to use our music before actually having a license with a rate attached – a negotiated market rate. Right now, the rate court is not allowed to look at outside evidence in setting rates. They operate in a bubble. It is a slow and expensive process. The result of all of this has been YEARS of digital companies using our songs to amass an audience and before they are even made to pay a dime, they flip their companies to larger companies and walk away fully cashed out, while our writers have seen NOTHING.
2. License songs in bulk without the hindrance of any consent decree. The market will take care of itself. If a PRO attempts to charge higher than market rates, business won't happen. If business doesn't happen, nobody wins. Therefore, and this is essence of capitalism, the "right" levels will be reached. Publishers and writers want their music used. Digital companies need our music. We will find an equilibrium rate on our own or neither will survive. We don't need the government to police this. It's not as if we are dealing in a good like water or air whereby a consumer will pay anything to get it to survive. In that scenario, we need regulations. In the world of songs, we do not.

To summarize, we need to eliminate the antiquated consent decrees under which our PROs are made to operate. As an Indie, I need the PROs to be able to negotiate market rates and license in bulk. Frankly, even the Majors are not set up to take on all performance licensing internally. Atlas is a place where we add value to songs and songwriters by having our writers create new songs for new uses and promoting our catalog for further uses. This is how great publishers expend energy and resource. We enlist PROs and the like when it comes to the bulk licensing so we can focus on creative and value creation. This is, in the end, most important to our writers and consumer. To do this, however, we need our chosen reps to operate in the fair market. If not, we will all be forced to do it ourselves, which will create chaos on both sides. Imagine if a chef at Mastro's was also dealing with the electric company on rates the restaurant pays. How good would the food be? How happy would Mastro's be? How happy would the electric company be?

Let's lean forward in this matter, not backward. I want our music to be the best it can be and for it to earn fair compensation when used, just like the food I order at Mastro's.

Best,

Rich

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