

From: Tim Smith <timsmi [REDACTED]>
Sent: Sunday, August 10, 2014 6:55 PM
To: ATR-LT3-ASCAP-BMI-Decree-Review <ASCAP-BMI-Decree-Review@ATR.USDOJ.GOV>
Subject: Views of a copyright ownership technology entrepreneur

I am not in favor of a removal of the consent decrees for the following reasons.

The consent decrees have allowed the existing PRO community to grow and establish an unfair advantage in the market place of music licensors and administrators. If they are allowed to enter into new areas of commerce the government is by this action picking winners and losers during this dramatic period of change the music industry is experiencing.

The single most important advantage that the PRO's have is their existing customer base. This is the result of their advantage of being the "only games in town" for more than 75 years. The second biggest competitive advantage is copyright ownership information that their systems have aggregated. The third biggest competitive advantage is the systems they have developed to run their businesses.

There is a rich independent market of business professionals fully capable of providing open market licensing, given the time to respond open market conditions. The PRO's hope to monopolize on these licensing opportunities as a result of eliminating the consent decrees. There must be adequate time given for the market to respond to changes as significant as a 75 year reign in the market place.

If it is determined that the consent decrees should be eliminated to remove the obstacles songwriters have earning a living, it should be done in a manner that opens the market opportunity to small and medium businesses. It should incentivize innovation and create new market opportunities. If the PRO's are given the benefit of entering the market they should be giving up some monopolistic benefits they have enjoyed having the consent decrees to stimulate the market, not control it.

The copyright ownership data they have aggregated could be made open to the public so that open databases could be used to innovate new solutions and create competition in the market place. On June 10, 2014, the House Judiciary Committee, BMI's CEO Mr. O'Neil comments on "... the 75 years of data aggregated" and their need to protect this advantage and keep it out of the hands of competitors. Entrepreneurs such as myself have not had access to this type of data.

The copyright office was established to record american properties and make this ownership information available, but it has failed our Nation by making copyright registration too cumbersome and too expensive. Knowing who owns what is indeed the endeavor of this entrepreneur. Our company and investors have invested millions and spent over 8 years years to address the lifecycle copyright ownership challenges. Our work is perceived as competitive to BMI and ASCAP as it threatens their stronghold over copyright information.

We all want Songwriters to get out from under the oppression of government controlled

systems that falsely set below market rates for their livelihoods. A change in the law is needed desperately to address this flaw. But unleashing two behemoths into the market is not a responsible government response after affording them government protection to grow unbridled for 75 years.

Sincerely,

Timothy Ray Smith, MBA
Co-founder and CEO of MyWerx

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Tim R. Smith
Founder, CEO
MyWerx, LLC