

From: Sara Higgins <[REDACTED]>

Sent: Wednesday, July 22, 2020 2:41 PM

To: ATR-MusicLicensing-Workshop (ATR) <ATR.MusicLicensing-Workshop@ATR.USDOJ.GOV>

Subject: Winegrowers: No Changes to Music Licensing Consent Decrees

To Whom It May Concern:

The Washington Winegrowers Association is a public policy and education trade association for Washington State winegrape growers and wineries. Washington State is the second largest producer of wine in the U.S. On behalf of our winery members, we join our national partners in respectfully requesting NO modification or termination to the American Society of Composers, Authors, and Publishers (ASCAP) and Broadcast Music, Inc (BMI) consent decrees that are being reviewed next week by the Antitrust Division at the Department of Justice.

Permission and legal authorization to publicly play or perform copyrighted music is granted via a music license and the payment of royalties. A winery is liable for royalties if the winery hosts live music or plays CDs or internet/satellite (consumer) radio inside or outside of the winery. A Performing Rights Organization (PRO), which represents songwriters, composers and music publishers, collects royalties from licenses and pays the royalties back to the artists.

The decrees regulating PROs have been in place since the 1940's when PROs were first found to be engaging in anti-competitive behavior.

What these decrees do:

- Prohibit ASCAP and BMI from colluding, information sharing, or price fixing.
- Ensures that once a business purchases a "blanket license" they have access to the PRO's full repertory. No "partial withdrawals."
- Preserves "direct licensing." A business can engage in a direct license with a songwriter performing their own work.

The ASCAP and BMI consent decrees are just as important today as ever before. Termination or modification of these consent decrees without an alternative framework in place would end the ability of many wineries to play and pay for music performances, which in turn, would have devastating consequences to future operations--particularly for wineries that also serve as event venues. Our wineries are economic multipliers in our communities. It is critical that their ability to thrive is supported, not threatened.

Making any changes to the music licensing system that could result in an increase of fees or further complicate the process would cripple the Washington wine industry and the economy that depends on it.

Sara Higgins
Manager—Advocacy and Education