

July 22, 2020

United States Department of Justice, Antitrust Section
450 Fifth Street, NW
Washington, DC 20530

Re: Public Workshop on Competition in Licensing Music Public Performance Rights

To Whom it May Concern:

We represent songwriters; many of whom you have heard of and some we hope you will hear of in time. Even if you don't know their names, you will likely know their songs.

We understand that the Antitrust Division of the Department of Justice (the "Division") has been reviewing the consent decrees which apply to Broadcast Music, Inc. and American Society of Composers, Authors and Publishers (the "Consent Decrees") and is holding a public workshop which focuses primarily on the Consent Decrees.

To date, most of the discussion surrounding the Consent Decrees focuses on music licensees and the impact that any modification of the Consent Decrees will have on these licensees. The companies that use our clients' music are undoubtedly working vigorously to protect their interests. We are writing to strongly urge you to consider and protect the interests of the songwriters as well. A termination, sunset or modification of the Consent Decrees will determine our clients' livelihood. We hope you will bear that responsibility in mind when making any decisions regarding the Consent Decrees.

The Consent Decrees allow ASCAP and BMI to provide efficiencies to music licensees and songwriters; however, the Consent Decrees provide a vital mechanism to prevent potential anti-competitive behavior. The Consent Decrees were designed to prevent anti-competitive behavior against songwriters, as well as music licensees. The Consent Decrees currently contain provisions that protect songwriters and, if the Division recommends changes to the Consent Decrees, it is vital that the protections in the Consent Decrees for the songwriters are preserved.

Most of our clients are affiliated with ASCAP and BMI and have good relationships with them. Our request to maintain songwriter protections is not a criticism of these organizations or the people who work there. It is simply a request to preserve the protections in the Consent Decrees that were put in place to protect songwriters against potential abuse.

In addition, if changes are made to the Consent Decrees, we ask the Division to confirm that ASCAP and BMI cannot grant a license to percentages of compositions which are not explicitly granted to them by the author of such percentages. This is extremely important to songwriters.

Thank you for your consideration.

Sincerely,

W. Joseph Anderson, Esq.

Lindsay Arrington, Esq.

Craig Averill, Esq.

Charles J. Biederman, Esq.

Joshua P. Binder, Esq.

Jordan Bromley, Esq.

Rosemary Carroll, Esq.

Dominic Chaklos, Esq.

Roger L. Cramer, Esq.

Tom Dean, Esq.

Stacy Fass, Esq.

David Ferreria, Esq.

Ira Friedman, Esq.

Gary Gilbert, Esq.

Eric Greenspan, Esq.

Elliot Groffman, Esq.

Michael Guido, Esq.

J. Reid Hunter, Esq.

John Ingram, Esq.

Gregg Lapidus, Esq.

Dina LaPolt, Esq.

Blake Leeper, Esq.

Peter Lewit, Esq.

Jeffrey Light, Esq.

Asha Madhukar, Esq.

Doug Mark, Esq.

Mike McKoy, Esq.

Dale Melidosian, Esq.

John Meller, Esq.

Mackenzie Pearson, Esq.

Lynn Quarterman, Esq.

Vladimir Radovanov, Esq.

Wayne Rooks, Esq.

Henry W. Root, Esq.

Alexandra Rose, Esq.

T.D. Ruth, Esq.

Joseph Lloyd Serling, Esq.

Jodie Shihadeh, Esq.

Lisa E Socransky-Austin, Esq.

Jared Tankel, Esq.

Monika Tashman, Esq.

Todd Thorson, Esq.

Jason Turner, Esq.

Daniel Weiss, Esq.

Kristin Wenning, Esq.

Jessie Winkler, Esq.

Jeffrey Worob, Esq.

Leigh Zeichick, Esq.