-----Original Message-----
From: Noah Peterson [mailto:no[redacted]]
Sent: Wednesday, November 11, 2015 10:06 AM
To: ATR-LT3-ASCAP-BMI-Decree-Review
Subject: ASCAP/BMI comments

DOJ,

I am writing in opposition to your 100% licensing option for the PROS. This is a horrible idea put forth by someone who clearly has no interest in protecting the works of songwriters and copyright holders.

This idea is an example of government regulating at it's worst. This thing would effectively end all cross PRO collaboration. It's the tail wagging the dog. Music creation comes first. Music business comes second. Different PROs for different musicians makes sense. I actually wish there were MORE.

I read your questions on the DOJ site regarding public comment and they are rudimentary and pointless.

1. Have the licenses ASCAP and BMI historically sold to users provided the right to play all the works in each organization’s respective repertory (whether wholly or partially owned)?

Yes.

2. If the blanket licenses have not provided users the right to play the works in the repertories, what have the licenses provided?

N/A - see the answer to question 1.

3. Have there been instances in which a user who entered a license with only one PRO, intending to publicly perform only that PRO’s works, was subject to a copyright infringement action by another PRO or rightsholder?

Probably - and probably because whomever was playing was probably playing music from all three catalogs and maybe even some foreign entities. Bob Dylan ain't with ASCAP anymore. Writers and publishers do change affiliations on occasion. The market must keep up. Punishing musicians and publishers for trying to get a better deal must end.

4. Assuming the Consent Decrees currently require ASCAP and BMI to offer full-work licenses, should the Consent Decrees be modified to permit or require ASCAP and BMI to offer licenses that require users to obtain licenses from all joint owners of a work?

The full-work license should never see the light of day. This is the worst idea I've heard of since Pandora.

5. If ASCAP and BMI were to offer licenses that do not entitle users to play partially owned works, how (if at all) would the public interest be served by modifying the Consent Decrees to permit ASCAP and BMI to accept partial grants of rights from music publishers under which the PROs can license a publisher's rights to some users but not to others?

This doesn't make sense in any way shape or form. Venue licensing by PROS is one of the great things that is helping music makers survive. The rates are very reasonable. Altering it is not what you should be doing, you should be helping the PROs by prosecuting the many, many venues that break the law by having music at their venues and NOT paying the licensing. I'd suggest starting in the South where this is absurdly prevalent.

6. What, if any, rationale is there for ASCAP and BMI to engage in joint price setting if their licenses do not provide immediate access to all of the works in their repertories?

That's between ASCAP, BMI, and their respective members to work out. Not for the DOJ. Why aren't you going after software companies to make sure all of their programs are the same price across a multiplicity of platforms at a price so low you couldn't make $100 off of 10,000 "uses." Because that's what you've allowed streaming services to do to music makers. You are working on the wrong issue. You should be MAKING venues pay those licenses. And going after streaming services to make them PAY for those catalogs. Instead you're going after music makers and robbing us, and legislating us into oblivion. This is wrong.

Noah Peterson, CEO

Peterson Entertainment, Llc
999 East Basse Road #180-117
San Antonio, TX 78209
503-703-9516
--
www.noahpeterson.com
www.petersonentertainment.com