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Comments of Burt Bacharach, John Bettis, Dixie Chicks (Natalie Maines, Martie Maguire, Emily Robison), Don Henley, Sir Elton John, Holly Knight, Tim Nichols, Steve Perry, Robert Ritchie, a.k.a. "Kid Rock," and Bernie Taupin

In Response to United States Department of Justice Antitrust Division Requests for Comments on PRO Licensing of Jointly-Owned Works

We are a group of songwriters throughout the country who have relied on the longstanding practice of fractional licensing as a means of licensing our own creativity. We are very concerned about DOJ's apparent stance that PROs are required to license 100 percent of a song's share when they only represent a partial share. This will undermine songwriters' ability to collaborate creatively.

We are GRAMMY, Oscar, Tony and CMA Award winners, platinum and gold recording artists, and members of the Rock and Roll Hall of Fame and Songwriters Hall of Fame. We have written what some would say are the soundtracks to many peoples' lives, including songs like "*Hotel California*," "*Don't Stop Believin'*," "*Goodbye Yellow Brick Road*," "*Raindrops Keep Fallin' on My Head*," "*Love Is A Battlefield*," "*Bawitdaba*," "*Not Ready To Make Nice*," "*Live Like You Were Dying*," and "*Human Nature*."

We have licensed our music throughout the world in hundreds of thousands of exploitations on a yearly basis. This is reflected in the fact that most of the current streaming services are able to offer our songs.

We recommend that you retain the current framework of fractional licensing as it relates to public performance for two reasons:

1. Fractional licensing does not affect an end user's ability to access copyrighted works. The current system of multiple PRO representation in the United States has presented no impediment to any licensing of works. This practice evolved out of reason and experience. It strikes a balance between our ability to control our shares of the work, thereby incentivizing creation, while fostering and encouraging licensing of the work so that the creative contributions may be shared. The result is obvious: music is ubiquitous in our culture and society. New applications and avenues for music discovery and consumption are being created almost daily. The sheer volume of music available on these services and applications shows that the fractional licensing scheme actually *works*.

It is important to note two things. First, a songwriter's income is derived entirely from licensing. We, as songwriters *want* to license our works, and need to, in order to earn a living. Every fractional owner has a vested interest in allowing for licensure of our musical work. The constant threat of piracy and unauthorized distribution of our music serves as a strong incentive for songwriters to be cooperative in the licensing process – both in terms of speed and quoted rates. Second, to underscore the point above, the current custom and standard of fractional licensing respects the interests of the respective writers on a single work. True to the statement, “good fences make good neighbors,” the fractional licensing scheme allows for thousands of songwriters to work together to issue what has amounted to millions of licenses.

2. We, as songwriters, should retain a measure of control over our share of musical works. Abolishing fractional licensing removes that control, thereby creating uncertainty in the marketplace and in the lives of creators. Certainty and stability help to drive the economy. Without it, we may lose the incentive to write with others for fear of having no control over our music. We may also lose the incentive to write at all. Songwriters should not be singled out as the most highly regulated creators. With respect to existing works, the teams surrounding songwriters and songs -- teams that generally pitch and license only a fractional interest in a song (e.g., music publishers and managers) -- will lose incentive to drive opportunity to the fractional share.

Public performance income is now the largest income source for us as songwriters. Disrupting an order that has been established for decades could further diminish our earning potential and companies who invest in us. It is also a decision that could have unintended ramifications on other valuable areas of income for writers (e.g., synchronization licensing income). That clearly should not be the intent, nor the scope, of government regulation.

Thank you for your consideration.

Respectfully submitted,

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