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From: acc [Redacted] [mailto:acc [Redacted]]

Sent: Friday, November 20, 2015 3:28 AM

To: ATR-LT3-ASCAP-BMI-Decree-Review

Subject: Re: Comments on PRO Licensing of Jointly Owned Works

November 19, 2015

David C. Kully
Chief, Litigation III Section
Antitrust Division
U.S. Department of Justice
450 5th St NW, Ste 4000
Washington, DC 20001

Re: Comments on PRO Licensing of Jointly Owned Works

Dear Mr. Kully:

I am a singer-songwriter as full-time professional occupation since 1987. I offer my participation in the public comments on modifications to the ASCAP and BMI consent decrees regarding jointly owned works with hopes of adding a voice from the precariat, the eviscerated middle class that has been drop-kicked and reeling since the Great Recession of 2008.

Twice Grammy-nominated, I have been signed to both major publishing deals and publishing administration deals and I currently self-administer my publishing. I own and control all my masters and 90% of my compositions, for both major and independent label releases, and I follow The Trichordist blog fervently and concur wholeheartedly with Mr. Lowery's advocacy on behalf of fellow creators.

I strongly believe that the question at hand, "Should the consent decree be modified so that ASCAP or BMI can license 100% of a song even if their affiliated songwriter only owns a fraction of that song?" is one of pecunious bad faith and if a legally untrained artist like myself can see through the doo-dah, it doesn't bode well for convincing anyone beyond the billionaires gnawing at this bone of contention.

Never mind that 100% licensing is completely unworkable as a practical matter. I don't believe the parties of interest who perpetuate DMCA fraud, fair use chicanery or stream our "escrowed" property without license or permission are concerned about the feasibility of the question. It is but a single example of unmitigated bad faith on the part of disruptors who prey on the precariat because they can; performing as proxies for an unregulated financial sector. And I believe that if this bad idea is shut down, they have dozens more where it came from waiting in the wings to distract from the antitrust mandate that is allegedly at the heart of your mission.

The consent decrees are themselves a shibboleth currently propped up by institutional neglect of both the spirit and letter of the laws that created them. The 1 trillion market cap corporations of the MIC Coalition - Google, N.A.B., IHeartMedia, Spotify, Pandora and Apple - need protection from a handful of PROs and their constituents? As if!

Here's where I'm coming from: Ditch the soul-searching on this manufactured mendacity and get to the heart of the antitrust matter. Your focus should remain fixed on getting the rate right. A fair market for the creator class will benefit users far more effectively than the crumbs of convenience tossed their way by practitioners of crony capitalism fouling Suite 4000 with the malodorous stench of their sulfuric petitions.

We are legion. Awaken this sleeping giant and songwriters shall surely rise poised to pen a plethora of alliterations and unwieldy metaphors amid florid prose in the fight for fairness. Are you prepared? I doubt it, sir.

In good faith,
Michelle Shocked
singer-songwriter, owner-operator