

**From:** devin powers [mailto:powersm [Redacted]]  
**Sent:** Thursday, November 19, 2015 10:17 PM  
**To:** ATR-LT3-ASCAP-BMI-Decree-Review  
**Subject:** No 100% licenses

- 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)?

the licenses provided by ASCAP allow you to play all the work controlled by ASCAP members , the licenses provided by BMI allow you to play all the work controlled by BMI members ,. but you need a license with al PRO to make sure you are covered.

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

the Blanket licenses provided by ASCAP allow you to play all the work controlled by ASCAP members, the Blanket licenses provided by BMI allow you to play all the work controlled by BMI members. that is what they have provided.

blanket license is way easier than trying to to 100,0000,0 of license a year to ocver all the members.

- 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?

No., if you have a license to use a song , you have alicense and that license coveres all publshers and all writers

- 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?

It should not be modified. THese are large blanket license to cover huge amounts of works,. Individual license for a song for film.. covers all publshers and all writers and theu PRO's

- 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 is just legal jumble... ASCAP and BMI each have members (who are clients).. and they are represented to get a fair fee for their share of their Intellectual property.. that is what ASCAP BMI and all other societies need to have deals in place with all media outlets based on their Market Shares.... and each writer needs to be paid for their share... or it is not a credible license..

- 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

??? this is odd. you get immediate access for certain performances of all of ASCAP or BMI artists by paying your license fee. But Vocal features and big film feature TV features still have to have an individual license for music to be attached.. to feature sections... commercial.. promos.. ads//// the Pro Broadband license.. is a template to cover basic performances..

'this seems like a way for big business to steal from small artists.. and cozy up to all the bigger business..... there should be a fair fee set .... shame on this administration for even considering these adjustments.. and creating an unfair business model

<http://www.devinpowers.com>

<http://www.linkedin.com/in/devinpowers>

Powers Music

Devin Powers

**805-498-9707** studio

**Redacted** cell