From: Sami Ahmed <san[redacted]
Sent: Wednesday, August 6, 2014 4:44 PM
To: ATR-LT3-ASCAP-BMI-Decree-Review <ASCAP-BMI-Decree-Review@ATR.USDOJ.GOV>
Subject: Consent Decrees

Since the 1940s, songwriters have been subject to these decrees that burden them and result in below-market rates. Below I have outlined why I believe these decrees must be eliminated.

1) PROs must grant a license to all the musical works in its repertory upon request, even when a royalty rate for the use of the work has not been settled on.

2) Applicants (often large corporations like Google, Pandora ect.) who request a license are not compelled to provide any information that would allow setting of a fair "interim" rate to pay for music use. As a result, works that songwriters have spent countless hours creating can be exploited by applicants as the songs make their way into a "rate court" (see 3)

3) If a rate cannot be settled on, the PROs must enter in expensive/time consuming rate court proceedings, the cost of which are imposed on their songwriter and music publisher members.

4) Rate courts do not take into account free-market standards for rate-setting. As a result, the rates they determine under value songwriter's work.

Finally, although the consent decrees enable songwriters and music publishers to grant PROs non-exclusive rights, recent court decisions have prohibited music publishers from removing pieces of their catalogs and directly licensing them—they must maintain their entire catalog with the PRO, or completely withdraw from the PRO. This limits the ability of songwriters and music publishers to competitively license their work.

The Consent Decrees were initially intended to curb the monopolistic tendencies of the PROs, now they are limiting the ability of songwriters and music publishers to act competitively, and unfairly protecting dominant companies like Google and Pandora from reaching a reasonable settlement on the fair use of a songwriters's catalog of work.

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