

From: Frank <Fra [REDACTED]>
Sent: Friday, August 8, 2014 12:29 PM
To: ATR-LT3-ASCAP-BMI-Decree-Review <ASCAP-BMI-Decree-Review@ATR.USDOJ.GOV>
Subject: Consent decree review.

I am writing as the parent of an emerging artist who has just turned 18, and been working at a music career for over 4 years. This includes giving up her high school life for home schooling, dozens and dozens of trips to NY, LA, Nashville to work on writing songs. Hundreds and hundreds of hours working on vocals, guitar, piano and songwriting skill development. Her catalog consists of over 235 songs, and she is signed as a writer with SonyATV and an ASCAP member.

It really disturbs me that as she begins her adult life, I perceive the chief obstacle in the way of her success is the federal government. No other creative product has the price paid by the users of that product subject to government pricing and mandatory use by anybody who wants it. Software developers, film, artists, painters, photographers, videographers and many other artist who create things are able to negotiate a fee for the use of their life's work without government intervention that sets both a maximum value for use of their work (the effective result of the consent decree) and a compulsory requirement to allow that use.

What's so special about a song?

With the advent of new streaming media, it's clear that the world consumes more music than ever. It's also clear that in spite of the fact that they create the content, songwriters are now compensated at the lowest level ever due to the fact that publishers and songwriters are unable to negotiate in a free market on their behalf, while 200 billion dollar companies build stock value and profits using that content. Simply put, it's nearly impossible to make a living as a songwriter in a music streaming world under today's licensing environment. This cannot have a positive effect on content creation.

This is PRECISELY why virtually none of her music is available to the public. If they want to hear it, they have to come see it live. How is that going to work if she wants to get married and start a family? Simply put, as soon as it is released, she would be doomed to a life of poverty as it will diminish the value to the point of why bother. Better to keep it in the vault.

If the streaming businesses are unable to turn a profit without paying a fair rate negotiated in a free market, then they need to sell more advertising or somehow alter their business model. It should not fall on the backs of the songwriters to pay for their mansions and their attorneys and lobbyists. They are using the content of songwriters to live a songwriter supplied lifestyle.

What would you think was fair for your daughter.

Thanks,

Frank Biederer
[REDACTED]
[REDACTED] cell