

From: [REDACTED] on behalf of [REDACTED]
Sent: Monday, July 28, 2014 11:16 AM
To: ATR-LT3-ASCAP-BMI-Decree-Review <ASCAP-BMI-Decree-Review@ATR.USDOJ.GOV>
Subject: Review of ASCAP and BMI Consent Decrees

Comments per solicitation of subject attached.

Regarding rate schedules charged licensees by the PROs for eating and drinking establishments, there needs to be a solid review and update of these. For instance, BMI charges additional fees for "dancing" even if an establishment does not have a dance floor. What is the reasoning behind this? By not providing a dance floor, the business/licensee is clearly not encouraging dancing. How is one to prevent someone from dancing next to their seat? In similar fashion, why is karaoke a separate charge from a live band? Royalty charges for a song performance should not be based on the media which it is delivered via - the rates should be modified to simply reflect how many days per week a venue offers music of any sort.

Also, the PROs state that the business venue is responsible for licensing fees for eating and drinking establishments, not the musicians performing the works, because the business is profiting from the music play. While this can be true to an extent, the musicians are compensated by the business for their performance so they are profiting as well. Why then are they not responsible for at least a share of the license costs?

Also it is recommended that the lawful licensing & collection operations policies and procedures of these PROs be reviewed. Currently they operate in similar fashion to the Mafia insofar as their conduct and mannerism towards license collection fees from small businesses (e.g. bullying and "shake down" techniques employed). As far as BMI, the motives of employing such techniques for a supposedly non-profit organization are clearly questionable. A simple internet search for "ASCAP lawsuit" and "BMI lawsuit" reveals a plethora of information as to the heavy-handed approach taken by these PROs.

These PROs are nothing but a reverse Robin Hood operation, taking from the poor to feed the rich, often at the expense of small business owners - with their motives being profitability for the employees and executives of the PROs, not the artists which they are supposedly protecting.

Very Respectfully,
Anonymous