

DESMOND CHILD

I'm writing today as a professional songwriter and proud Board member of ASCAP, the American Society of Composers, Authors and Publishers.

Founded 100 years ago by a visionary group of American music creators, ASCAP is the only U.S. performing rights organization (PRO) that is owned and run by its members. ASCAP members elect 12 songwriters and composers and 12 music publishers to serve on ASCAP's Board of Directors, and each of us has an equal voice. It's our job to make sure that ASCAP works as efficiently and effectively as possible. We're dedicated to providing a voice for the more than 500,000 men and women that ASCAP represents around the country.

I was fortunate to join ASCAP early in my career as a performer in my group Desmond Child & Rouge. My mother, Cuban songwriter Elena Casals, taught me how to write songs by osmosis, there was always a song being written on our broken down piano in the projects of Liberty City in Miami. Although she worked hard she never had enough success as a songwriter to feed us and had to work at fast food restaurants to make ends meet. But her passion for music instilled in me the work ethic and commitment I needed to become a professional. But I didn't have the time or the ability to negotiate licenses, monitor public performances of my songs or collect royalties – what songwriter does?

That's where ASCAP's expertise comes in. Being an ASCAP member allows me and hundred of thousands of my fellow members to focus on crafting music, instead of worrying about all the other important but time-consuming tasks we need to make a living from our music.

In my 36 years as an ASCAP member, I've written hit songs for Bon Jovi, KISS, Aerosmith, Cher, Ricky Martin, Kelly Clarkson, Carrie Underwood, Katy Perry and many more. With the help and support of ASCAP, I've been lucky enough to make a living as a songwriter. I've poured my life into my music, worked hard, sacrificed and forged ahead through an ever-changing and uncertain industry.

Yet, until just a few years ago, my fellow songwriters and I have never experienced what confronts us today. Under ASCAP's current Consent Decree with the Department of Justice, songwriters are not being compensated for the true value of their work. Just one example: Lady Antebellum's 2011 Grammy-winning Song of the Year "Need You Now" was streamed nearly 72 million times on Pandora in a year, but it earned each of its four songwriters and publishers less than \$1,500. That's only 9 cents in royalties per 1,000 streams. Meanwhile, record labels and artists often earn 12 to 14 times more

than the songwriters for a stream of the exact same song. My own song “Livin’ On A Prayer” performed by Bon Jovi got 6.5 million plays on Pandora in the first quarter of 2012 and made me and my co-writers \$110 to share between us and our publishers.

ASCAP’s model of voluntary collective licensing has been one of the great achievements of the past century, supporting music creators while making it possible for the world to thrive on America’s musical treasures. So it is shocking to think that some publishers are considering whether to withdraw from ASCAP entirely. If that were to happen, the collective licensing model could collapse, and music licensing would inevitably become more complex, more inefficient and more expensive for everyone.

To address some of the challenges of this rapidly changing marketplace, ASCAP has innovated. We continue to invest in the latest technology to enhance and expand our performance surveys. New pattern recognition technology has increased the number of performances we track by 150%. ASCAP now tracks close to 500 billion performances per year across a wide range of media platforms – from radio, to TV, to concert venues. *CIO Magazine* recognized our efforts with their “CIO 100 Award” for operational and strategic excellence in information technology.

We are also committed to making ASCAP as transparent as possible to both members and non-members. ASCAP’s Member Access portal currently lets every member see royalty and performance data in granular detail; our governing documents, payment system and financial reports are freely available to the public online, and our fully searchable ACE database lets anyone find out who wrote or published any piece of music in the ASCAP repertory of performed works.

But ASCAP is constrained by the outdated regulatory system that prevents us from operating as efficiently and effectively as we could. That is why ASCAP has asked the Department of Justice to update the Consent Decree to better reflect the way people listen to and use music today.

Specifically, we’ve requested three changes. First, we need to replace the current rate court process with a faster way of settling rate disputes with businesses that use our music. Second, ASCAP members should be allowed to offer ASCAP a partial grant of rights, meaning that ASCAP would license certain uses while rights holders handle others directly. Without this, major publishers are threatening withdrawal from the PROs, which threatens the future of collective licensing as we know it. As songwriters, we depend on ASCAP not only for our very livelihoods, but for the fairness and transparency we can count on. Finally, let’s streamline the licensing process by giving ASCAP the ability to license all of the music composition rights a business needs, all in one transaction.

The music landscape has drastically changed with the shift to streaming and the entrance of new PRO competitors. Our goal is to update the laws that govern PROs to reflect the new reality.

I look forward to a future where songwriters and composers have the same opportunity that I did to thrive alongside the businesses that use their music. Everyone will benefit from preserving the voluntary collective licensing system, but we must act quickly. All of us at ASCAP hope the DOJ will consider our proposed updates to the Consent Decree so that the rate-setting process becomes more efficient and effective, and the next generation of American music creators can earn compensation that reflects the true value of the music they create.

Sincerely,

Desmond Child
Nashville, Tennessee
July 24th, 2014

