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Sent: Thursday, July 24, 2014 10:08 AM
To: ATR-LT3-ASCAP-BMI-Decree-Review <ASCAP-BMI-Decree-Review@ATR.USDOJ.GOV>
Subject: ONE SONGWRITER'S VIEW ON THE PROS-CONSENT DECREES AND BIG MULTI-NATIONAL PUBLISHERS

Dear DOJ Committee Members,

As you do the important work of reexamining the consent decrees that have been in place for over sixty years, I'd like to take this opportunity to present a point of view that I believe is shared by countless songwriters and smaller independent music publishers, to whatever degree they have had commercial success. I'd like to think that my views are those of the "silent majority".

The PROs have been consistently doing the tedious and difficult work of representing millions of works, mine included, in a relatively transparent and efficient way. They have been there to support our well being in the performing rights area through every twist and turn of an ever-evolving music industry. In my particular case, I joined BMI fifty years ago this coming November, when I was sixteen years old. This relationship has been extremely positive, free flowing and always conducted at arms-length in terms of fairness and impartiality. This has been the case throughout the five decades I've been a contracted writer and publisher. The PROs have been historically stable organizations with relatively low rates of turnover, particularly at the senior executive level. This has provided an important sense of continuity to those of us with a voice that's heard and listened to, and to tens of thousands of less successful songwriters and publishers who are nonetheless well served.

While I personally have had financially rewarding relationships with large music publishers over my long career, they did little to advance the well being of my music and songs other than to write a large check to acquire some or all of the ownership interest in it. Like other songwriter-publishers, few and far between, who are able to afford auditing the big publishers to keep them relatively honest and accountable, I was consistently finding their business conduct unethical, unfair, biased, fraught with self-dealing and double-dipping and dishonest.

This, in my opinion, and in the opinion of so many of my contemporaries, is the state of affairs at the three giant super-publishers who control some 85% of the music publishing market worldwide.

When you do the critical work of evaluating everyone's interests in this complicated and delicate situation, remember the importance of transparency and fairness. The PROs should remain the PRIMARY stewards of performing rights whether those rights are terrestrial or floating out there in some cloud. Remember that conventional radio, television and cable have really existed in a cloud of their own. The PRO's have managed the licensing and collection of revenues in this world effectively and fairly. There's no reason to think they wouldn't manage an ever expanding digital horizon any less effectively.

We songwriters and small publishers would be well served in the long term if the consent decrees were modified enabling the PROs to license and collect more streams of income, not less.

I shudder at the thought of even more power and control being handed off to the super-sized music companies at the expense of the under represented and endangered songwriter.

Thank you for the opportunity to be heard.

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