

From: Nick Campolo [REDACTED]
Sent: Monday, August 4, 2014 4:57 PM
To: ATR-LT3-ASCAP-BMI-Decree-Review <ASCAP-BMI-Decree-Review@ATR.USDOJ.GOV>
Subject:

To Whom it May Concern,

As a musician who was also an Economics major I must say the Consent Decree must end.

First off, our constitution clearly states that creators are entitled "exclusive" rights to what they produce. I believe our founding fathers used the word "exclusive" for a very good reason. Anything less than that is meaningless. Without exclusive rights, a creator does not have any real rights over the property they create. Nor do they have the right to engage in contract, since the bargaining power needed to make a genuine contract is non-existent when a creator does not have exclusive rights over their work.

It is obvious that a musician or song writer must use the services of a PRO such as BMI or ASCAP. It is the only way they can collect for the use of their work. In most cases the music licensing thru a PRO is advantageous to a musician. However, the current new media internet music licensing is not desirable and in fact is a loss to most if not all musicians. This means musicians are forced to license their works to internet services at a loss in order to license their works to other services that are desirable. This goes against a creator's right of ownership for the property he or she creates. It goes against our legal systems long standing support for the right to engage in contract. In fact the best word to describe a situation where one is forced to give up a portion of their property to have another part they cannot do without is extortion.

Now I do understand that there are situations where a court set rate may be the most practical means to determine a licensing rate. If that is the case, creators should have the right to opt out of an individual category with specific rates and conditions. Without that right, the creator's constitutional rights are non-existent. Which is where we are now.

Regards,
Nick Campolo