



FLORIDA RESTAURANT & LODGING ASSOCIATION

P.O. Box 1779 • Tallahassee, FL 32302-1779
850-224-2250 • Fax: 850-224-9213

August 1, 2014

Chief, Litigation III Section
Antitrust Division
U.S. Department of Justice
450 5th Street NW, Suite 4000
Washington, D.C. 20001

RE: ASCAP and BMI Review of Consent Decrees

Dear Chief of Litigation:

The Florida Restaurant and Lodging Association (FRLA) represents over 10,000 restaurants and public lodging establishments in Florida. We thank you for the opportunity to submit public comments regarding the DOJ's review of ASCAP and BMI Consent Decrees. Most, if not all, of our members are impacted by one or the other of these Consent Decrees.

It should be noted that while any system of delivery, especially over time, will require modifications, the Consent Decrees under review have by and large provided several intertwined industries, from the creator of the product to its delivery to the ultimate end-user, a stable and predictable platform in which to conduct business.

Current business practices together with emerging technologies, however, create a need for modifications to these Consent Decrees. As the DOJ considers possible modifications, the FRLA requests that the following general principles should be incorporated in the event changes are made to the existing business structure:

Any business should be allowed to decide what rights they wish another entity to license, and what rights, if any, they will retain for themselves. This flexibility permits each party to act in its own best interest and adapt to changing business practices. The current all or nothing approach does not benefit the parties or the public.

In addition, FRLA believes it would be in the best interest of all that ASCAP and BMI were treated similarly. Differences between the two entities may be apparent to those whose primary business is producing music or protecting the rights of those who do, but they are often confusing to the ultimate end user.

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Finally, a system should be established so that disputes can be resolved quickly and in a more cost-effective manner since any increase in costs is ultimately passed to the end user. Any resolution dispute system that speeds a decision and lowers costs is beneficial to all customers.

Sincerely,

Carol B. Dover, FMP
President and CEO

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