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July 18, 2021

Via Electronic Delivery

Copyright Royalty Judge David R. Strickler
Chief Copyright Royalty Judge Jesse M. Feder
Copyright Royalty Judge Steve Ruwe
US Copyright Royalty Board
101 Independence Ave SE
Washington, DC 20024

To Your Honors:

As an artist whose career depends on the sustainability of songwriters, I write with considerable concern for the proposed settlement agreement in Phonorecords IV which will affect ALL songwriters, including independents who are not party to the private, non-transparent settlement agreement.

As your Honors are aware, the "willing buyer-willing seller" concept was established as a basis for fairness in the regulatory regime of the compulsory license when the Copyright Royalty Board (CRB) was established. Vertical integration (ownership, interlocking boards) between the major labels and major publishers poses a serious conflict of interest and engenders self-dealing among negotiators. Concurrent to the antitrust discussions in Congress concerning vertical integration between corporations, this important "willing buyer-willing seller" concept is an issue which songwriters who are not party to the private agreement wish to address as a matter of fairness.

Along with hundreds of thousands of songwriters and composers, I am strongly opposed to the proposed adoption by the CRB of a freeze on mechanical royalty rates for physical phonorecords and downloads, and against other non-transparent elements of the so-called agreement presented to the CRB for adoption by the National Music Publishers Association (NMPA), the Nashville Songwriters Association Int'l (NSAI), and the major record labels.

NMPA and NSAI have not consulted with any other songwriter organizations despite claiming to represent the interests of songwriters for the entire world. No other songwriter or composer group, neither US or otherwise, joins NSAI in agreeing that adoption of the agreement would serve the interests of music creators rather than cause irreparable harm to their members.

Their secret agreement should be binding only on the parties who opt into the secret agreements, while everyone else should be subject to a different royalty rate determined by equitable and fair marketplace conditions and principles.

Respectfully,

Anthony Garnier
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