Kauffman Center
FOR THE PERFORMING ARTS

Kauffman Center for the Performing Arts
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11 April 2025

Shira Perlmutter
U.S. Register of Copyrights
U.S. Copyright Office
Library of Congress
101 Independence Ave SE
Washington, DC 20559-6000

Dear Register Perlmutter,

On behalf of nonprofit performing arts centers like ours in Kansas City, I thank the U.S. Copyright Office for initiating a Notice of Inquiry (NOI) and for seeking input on the complex challenges surrounding music licensing and Performing Rights Organizations (PROs).

The Kauffman Center for the Performing Arts maintains licensing agreements with three PROs at present—ASCAP, BMI, and SESAC. But we are coming under pressure to sign up with additional PROs, some of questionable provenance. We cannot tell which artists or music they represent, and they are not forthcoming with that information.

The proliferation in the number of PROs—combined with the lack of a comprehensive, reliable database or requirements for PROs to register or provide detailed invoices — makes it near-impossible for venues like the Kauffman Center to confidently determine how much they owe and whom to pay after a performance. A single live performance may involve dozens of songs, each potentially co-written by multiple individuals affiliated with different PROs. Without a clear picture of ownership and representation, venues face pressure to secure overlapping licenses from every PRO who comes knocking just to avoid copyright infringement—and risk paying more than 100% of the value of the music being used.

Most venues do not have the legal resources or staff to manage the web of licensing requirements. (E.g., there's no staff attorney at the Kauffman Center.) Negotiating with multiple PROs, managing royalty disputes, and handling inconsistent data create operational and financial burdens. Venues like us often fear retaliation or lawsuits from PROs, even when attempting to operate in good faith.

While the Department of Justice consent decrees governing ASCAP and BMI have been critical for keeping license fees in check and ensuring music users can gain

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access to large catalogs on reasonable terms, new PROs operate outside these frameworks.

We strongly support the following common-sense reforms to restore balance and protect the integrity of the live performance ecosystem:

1. Create a central, publicly accessible, and legally reliable database showing which PROs represent which shares of which works.

2. Require PROs to update and maintain their data in that database. Those who fail to do so should not be entitled to seek statutory damages for infringement.

3. Establish a federal registration system for PROs, ensuring oversight, accountability, and transparency.

4. Mandate itemized statements upon request from licensees, so venues understand what works are being licensed and at what cost.

5. Ensure rate-setting processes are fair, predictable, and reflective of each PRO's actual market share.

I thank the Copyright Office for your attention to these issues and stand ready to support efforts toward a more balanced and functional licensing system.

Sincerely,

Patrick Donnelly

Patrick Donnelly, CVE
Vice President of Theater Operations
Kauffman Center for the Performing Arts