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Issues Related to Performing Rights Organizations	Docket No. 2025-1

REPLY COMMENTS FROM THE NASHVILLE SONGWRITERS ASSOCIATION INTERNATIONAL

Nashville Songwriters Association International
1710 Roy Acuff Place
Nashville, TN 37203

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The Nashville Songwriters Association International (NSAI) appreciates the opportunity to submit the following reply comments regarding issues related to Performing Rights Organizations (PROs). As a trade association exclusively representing songwriters, these comments seek to reflect the important role that PROs play for the business of American songwriters and thus will focus on two main topics: the proliferation of PROs and PRO royalty distributions.

NUMBER OF PERFORMING RIGHTS ORGANIZATIONS

For decades in rate proceedings, licensees who take licenses with PROs have lamented the lack of competition. So, too, has the federal government through the Anti-Trust Division of the United States Department of Justice, which has resulted in decades-old consent decrees that govern ASCAP and BMI. Now, as the marketplace offers more choices for American songwriters

and those who license music, a small group of the same licensees have initiated through the United States Copyright Office (USCO) an inquiry on this matter.
It is possible, if not likely, that their eventual motive may be to lower PRO licensing fees and their rhetoric regarding the "issues" they bring forward can be misleading. Note that comments filed with USCO by some licensees do not accurately reflect their licensing options. There is much more music available to licensees than ever before. While that can account for cost increases some commenters enunciate, those are not reflective of rising costs for every product and service in the world, and licensees have options to remediate such costs. Many small businesses do not need to secure licenses from every PRO and they have the option of securing licenses for specific playlists; as another option, businesses are able to subscribe to background music services. Additionally, it is important to note that most American bars and restaurants pay nothing for rebroadcast radio music in their venues since the adoption decades ago of the ironically titled *FAIRNESS in MUSIC LICENSING ACT.* Any venue under 3,750 square feet of service space is exempt from such payments.
Collective licensing mechanisms benefit both the creators and users of music. PROs bring efficiency to small businesses who, by utilizing such licenses, do not have to license the music they use on a song-by-song basis, something that would be virtually impossible. Collective licensing holds down costs and PROs indemnify licensees offering protection from copyright infringement.
All new PROs should be held accountable in terms of transparency and fair licensing practices, but we reiterate competition is something licensees have sought for decades and that collective licensing options exist for cost efficiency for music users.

ROYALTY DISTRIBUTIONS FROM PERFORMING RIGHTS ORGANIZATIONS

American songwriters have not only the option to choose their PRO, they also have a periodic option to switch to a different PRO. And, while a PRO's primary function is to license and distribute performance rights, songwriters choose their PRO for a number of other reasons. Each PRO offers their own royalty payment schedule, distribution formulas and other affiliation terms. However, as significant to their choice of PRO for many songwriters, is the relationship they have with PRO membership representatives they work with and who have been in their corner from the early days of their career. Generations of American songwriters have suffered through piracy, low streaming rates, less commercial opportunities in the digital era including little income from albums or physical products, which many counted on for years. In this environment, it cannot be overstated the extent to which a songwriter depends on his/her PRO. Direct payments to songwriters from their chosen PRO are the constant income they can depend on – it's what pays the electric bill and buys food for the dinner table.

THE NASHVILLE SONGWRITERS ASSOCIATION INTERNATIONAL

ABOUT NSAI

The Nashville Songwriters Association International (NSAI) is the world's largest not-for-profit trade association for songwriters. NSAI was founded in 1967 by 42 songwriters including Eddie Miller, Marijohn Wilkin, Kris Kristofferson, Felice and Boudleaux Bryant and Liz and Casey Anderson as an advocacy organization for songwriters and composers. NSAI has around 5,000 members and over 100 chapters in the United States and abroad.

The Nashville Songwriters Association International is dedicated to protecting the rights of songwriters in all genres of music and addressing needs unique to the songwriting profession. The association, governed by a Board of Directors composed entirely of professional songwriters, features a number of programs and services designed to provide education and career opportunities for songwriters at every level.

NSAI owns The Bluebird Cafe, a legendary songwriter performance venue in Nashville, Tennessee. The Music Mill, at 1710 Roy Acuff Place in Nashville, where the careers of Alabama, Reba McEntire, Toby Keith, Shania Twain and Billy Ray Cyrus were launched, serves as headquarters for the Nashville Songwriters Association International.