

Re: Docket # 2012-7

Not being a lawyer, others have stated this case far better than I, so I will keep it brief.

I was just made aware that tonight was the last night I could comment. So without the opportunity to examine this more closely, my concerns are listed below, the ones everyone has.

It seems crazy to me that, with all the laws and regulations being leveled at the American people in general, that creative people, who make life more bearable for everyone, are being marginalized to the point to where if it keeps going the way it is as regards the ability to earn royalties, there will be a complete collapse of any creative market. In this computerized digital age, there can be no excuse for the lack of accurate accounting of royalties, and subsequent fair payment.

Why should digital distributors be allowed to determine how much they want to pay, (if at all) why do the creators of works have no say in the matter? Millions are being made, and in a fair market, if writers get what they are owed, the music business would have a much better chance of flourishing again, rather than being strip-mined. That sort of short minded corporate bottom line thinking always ends in disaster, which is a shame when everyone could profit. Obviously, without people to create copyrightable works, there will be no business.

Below, I list the concerns of another songwriter, but they are my own as well. Trickery should not be allowed, nor should deception.

1. No Audit: As a songwriter, I have no idea whether I am being paid correctly by any digital service and I am not allowed to audit them. This is untenable. (This is a major point!)
2. Publishers Clearing House: I routinely receive a "notice of intention to use" my work that is always late. This violates the basic rule of statutory licensing. The "NOI" I receive comes with a letter asking me to log into a website to see if I am owed money or how much I am owed. When I go to the website I am asked to sign a click through agreement that makes significant changes to the few statutory rights I have. This is the worst kind of trickery and is worse than the worst direct mail campaigns because I can always throw away the junk mail. This trickery involves my life's work!
3. Black Box: If I am lucky enough to get a certified statement from a CPA, I have no way of knowing if the CPA ever looked at my earnings or if there are any "black box" earnings that I'm entitled to. Given that I get no certifications and no audits, there's no telling how much money should have been paid that wasn't.
4. Don't Protect Scofflaws: You cannot allow services who have never complied with the law to get protection of the laws they have evaded.

Sincerely, Donald F. Coyer II Don Coyer Music, ASCAP