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December 20, 2021

Lina Khan, Chair  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Jonathan Kanter, Assistant Attorney General  
Department of Justice, Antitrust Division  
950 Pennsylvania Avenue NW  
Washington, DC 20530

**Re: Making Competition Work: Promoting Competition in Labor Markets**

Dear Chair Khan, Assistant Attorney General Kanter, and members of the Federal Trade Commission:

The **Society of Composers & Lyricists (SCL)** is the premier U.S. organization for music creators working in all forms of visual media (including film, television, video games, and musical theatre). It has a membership of over 2,000 professional composers and lyricists, and is a founding co-member—along with Songwriters Guild of America (SGA) and other independent music creator groups—of Music Creators North America (MCNA).

Since the 1976 ruling in which the National Labor Relations Board (NLRB) deregistered the Composers & Lyricists Guild of America (CLGA), removing any right to collective bargaining, U.S. audiovisual composers' musical creations have been deemed Works For Hire (WFH). This action means that as a condition of engagement, composers are forced to grant producers (the Film and Television studios) ownership of the copyrights in the works. While foregoing ownership in exchange for benefits such as collective bargaining (salary, working conditions, etc.), retirement and healthcare plans, may be typical of employee status, audiovisual composers are instead classified as Independent Contractors and therefore access none of these benefits. They lose ownership of their works and lose the right to any of the standard benefits accorded every other crew and cast member working in the audiovisual industry.

This state of affairs is fundamentally due to the greater legal and lobbying power of the major production studios, and is being continued by the streaming services as they establish themselves in the audiovisual market. They have the economic means to promote business practices that can obfuscate fair and equitable treatment of composers. As we transition to new technologies there is an

opportunity to correct a practice that continues to severely impact the livelihoods of professional music creators.

Our colleagues in other parts of the world have far greater protections and benefits afforded to them. In many countries the transfer of rights from composer to producer by WFH agreements is considered unfair and unenforceable.

Uber drivers and countless others in the ‘gig economy’ have found themselves in the unenviable position of having neither traditional employee rights and benefits, nor any bargaining power. As for so many freelance professionals, their plight draws attention to the circumstances of our audiovisual composer community, who have endured these same unacceptable provisions of engagement for over 45 years.

The Society of Composers & Lyricists thanks the Department of Justice for this opportunity to right this long-standing wrong.

Sincerely,

A handwritten signature in black ink, appearing to read "Ashley Irwin". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Ashley Irwin  
President