



Congress of the United States
House of Representatives
Washington, DC 20515-4905

December 8, 2025

The Honorable Andrew N. Ferguson
Chairman
U.S. Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, D.C., 20580

Dear Chairman Ferguson:

I respectfully request the Federal Trade Commission (FTC) examine potential unfair or deceptive acts or practices by performing rights organizations (PROs), which could constitute a violation of Section 5 of the FTC Act.¹

In 1897, Congress granted copyright owners an exclusive right to public performance of musical works, and established penalties for unauthorized performances.² However, tracking each copyright holder and each public performance proved challenging.³ As a result, copyright owners formed PROs to issue public performance licenses on their behalf.⁴ In 1914, songwriters formed the first PRO, the American Society of Composers, Authors and Publishers (ASCAP).⁵ Shortly thereafter, two competing PROs emerged: the Society of European Stage Authors and Composers (SESAC), founded in 1930, and Broadcast Music, Inc. (BMI), founded in 1939.⁶ In 2013, Global Music Rights (GMR) emerged as a fourth PRO,⁷ quickly assembling a roster of top-tier songwriters and artists.⁸

¹ 15 U.S.C. § 45.

² 17 U.S.C. 106(4).

³ *Columbia Broad. Sys., Inc. v. Am. Soc'y of Composers, Authors and Publishers* ("ASCAP"), 400 F. Supp. 737, 741 (S.D.N.Y. 1975)

⁴ Kevin J. Hickey and Dana A. Scherer, Cong. Rsch. Serv., IF11463, Music Licensing: The ASCAP and BMI Consent Decrees (2020).

⁵ *Id.*

⁶ *Id.*

⁷ Global Music Rights, LLC, Comment Letter on Issues Related to Performance Rights Organizations (Apr. 11, 2025), <https://www.regulations.gov/comment/COLC-2025-0001-4947>.

⁸ *Id.* at 2. at 2 ("GMR has attracted over 160 top-tier songwriters and composers, including Billie Eilish, the Prince Estate, and Jon Bon Jovi, among others.") See also Music Business Worldwide, *Irving Azoff's GMR Secures Global Deal for Prince Performance Rights* (Jan. 11, 2017), <https://www.musicbusinessworldwide.com/irving-azoffs-gmr-secures-global-deal-for-prince-performance-rights/>.

PROs issue licenses for a variety of uses, including “terrestrial, satellite and internet radio stations, broadcast and cable television stations, online services, bars, restaurants, live performance venues, and commercial establishments that play background music.”⁹ The most common form of license is a “blanket license,”¹⁰ which allows a licensee to perform any of the musical works in a PRO’s catalog for a set fee. For the last 80 years, licensees had certainty that obtaining blanket licenses from these PROs would cover a repertoire encompassing most, if not all, works performed at their establishment.

Recently, however, new, purported PROs have emerged,¹¹ and have begun to solicit businesses for the purchase of a license. AllTrack, founded in 2017,¹² and Pro Music Rights, founded in 2018,¹³ have begun approaching businesses with requests to purchase a license for their catalog of works, and leveraging the specter of statutory damages for those who do not comply.¹⁴ But while both entities feign legitimacy,¹⁵ it is unclear whether AllTrack or Pro Music Rights have amassed a repertoire that a licensee would find valuable to its business. Worse, however, it appears both entities may be misrepresenting to licensees the bodies of work they actually manage, thereby pressuring businesses to obtain a performance license they may not need.

AllTrack, for example, lists several well-known artists on its homepage, including singer-songwriter, Billy Ray Cyrus, and music group, No Doubt (See Figure 1).¹⁶ However, as explained by commentators in response to the U.S. Copyright Office’s inquiry on PROs,¹⁷ AllTrack represents only a partial interest in one Billy Ray Cyrus song, and a composition once recorded by No Doubt, but does not represent the artists themselves or a substantial volume of their recorded works.¹⁸

⁹ U.S. Copyright Office, *Copyright and the Music Marketplace* (2015), at 33, <https://www.copyright.gov/policy/musiclicensingstudy/copyright-and-the-music-marketplace.pdf>.

¹⁰ *Id.*

¹¹ InsideRadio, *Pro Music Rights Joins Ranks Of PROs Seeking Radio Licenses* (Oct. 15, 2018), https://www.insideradio.com/free/pro-music-rights-joins-ranks-of-pros-seeking-radio-licenses/article_027f57a8-d046-11e8-8b2c-d7a21925d5b4.html.

¹² AllTrack Performing Rights, LLC, Comment Letter on Issues Related to Performance Rights Organizations (May 27, 2025), <https://www.regulations.gov/comment/COLC-2025-0001-5027>.

¹³ *Supra* note 9.

¹⁴ *E.g.*, National Independent Venue Association (NIVA), Comment Letter on Issues Related to Performance Rights Organizations (May 27, 2025), at 3-4, <https://www.regulations.gov/comment/COLC-2025-0001-5028>.

¹⁵ See Press Release, AllTrack, Rights management entity AllTrack becomes 4th US PRO accredited by CISAC (Aug. 27, 2024), <https://www.alltrack.com/press/alltrack-becomes-the-4th-us-pro-to-be-accepted-by-cisac/>; See also Press Release, Music Licensing Inc., Music Licensing, Inc. Receives Official Federal Recognition of Its Wholly Owned Subsidiary, Pro Music Rights, as a Performing Rights Organization in the United States Federal Register (Feb. 10, 2025), <https://finance.yahoo.com/news/music-licensing-inc-receives-official-130000034.html>.

¹⁶ AllTrack, <https://www.alltrack.com/> (last accessed Dec. 3, 2025).

¹⁷ Issues Related to Performing Rights Organizations, 90 Fed. Reg. 9253, 9257 (Feb. 10, 2025).

¹⁸ See Broadcast Music, Inc., Comment Letter on Issues Related to Performance Rights Organizations (Apr. 14, 2025), at 22 (“Based on BMI’s independent research, it appears that, despite advertising on its homepage that Mr. Cyrus is an ‘artist’ who performs AllTrack music, AllTrack holds a partial interest in only one song performed by Mr. Cyrus.”), <https://www.regulations.gov/comment/COLC-2025-0001-4902>; GMR, *supra* note 10, at 5 n.2 (“[O]n its home page, AllTrack continues to represent that it represents well-known music group, No Doubt, yet each of the

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*The artists shown here are not affiliated with AllTrack.

Pro Music Rights, similarly, claims to represent “a market share of 7.4% in the U.S.,” yet, according to comments offered by BMI, that would equate to more rights management than a combined SESAC and GMR.¹⁹

Unfortunately, licensees are unable to ascertain the full catalog of works either entity represents due to a lack of transparency in music ownership. As stakeholders have noted, the lack of a complete, authoritative database has allowed PROs like AllTrack and Pro Music Rights to misrepresent their volume of works without verification.²⁰ For example, a business that is unfamiliar with AllTrack may receive a solicitation (See Figure 2)²¹ and, checking only their website to verify, may be led to believe a license is necessary based on the perceived representation of a roster of notable artists and songwriters.

group’s members are affiliated with one of the other four major PROs. It is fundamentally unclear which works, if any, AllTrack represents with respect to No Doubt.”); RITE Royalties Coalition Comment Letter on Issues Related to Performance Rights Organizations (Apr. 10, 2025), <https://www.regulations.gov/comment/COLC-2025-0001-4812>, at 7 (“Factually, AllTrack does technically represent a composition once recorded by No Doubt. However, their use of No Doubt’s image is disingenuous at best.”).

¹⁹ BMI Comments, at 22 (“Pro Music claims to have rights in more songs than the combined repertoires of SESAC (over 1.5 million) and GMR (approximately 100,000)”).

²⁰ MIC Coalition, Comment Letter on Issues Related to Performance Rights Organizations (Apr. 11, 2025), at 3 (“There is no single, comprehensive, publicly available, and legally reliable database that allows businesses to verify with legal certainty which rights are licensed by which PROs, and which shares of those rights each PRO controls.”), <https://www.regulations.gov/comment/COLC-2025-0001-4875>; NIVA Comment Letter, at 4 (“The absence of a unified, comprehensive repertoire database makes it nearly impossible for small venues to tailor their licensing responsibly.”)

²¹ *Supra* note 13, at 9.

From: [REDACTED]
Date: Thu, Mar 23, 2023 at 9:15 AM
Subject: [REDACTED] Unlicensed status with AllTrack
To: [REDACTED]

Hi [REDACTED]

Despite numerous attempts to reach you, we unfortunately have not received any response regarding the non-compliant status of [REDACTED] for the use of AllTrack-represented music.

As a performing rights organization (PRO) that has been legally appointed to represent our affiliated songwriters, composers, publishers and producers, we are obligated to inform you that, under US copyright law, if your business performs unlicensed music, it could be subject to statutory losses of up to **\$150,000 per unlicensed song played**, plus reimbursement of attorneys' fees incurred by the copyright owners.

A valid copyright compliant music license is typically a nominal fee that protects your business from significant unforeseen infringement liability.

Please secure a license for [REDACTED] today to ensure the proper permissions are in place moving forward:

[Pay License Fee](#)

Thank you,

[REDACTED]
Licensing & Compliance
AllTrack Performing Rights
[REDACTED]
www.alltrack.com
[Music Licensing FAQs](#)

Even a business who is smart enough to verify the catalog of AllTrack and Pro Music Rights before purchasing a license would still face confusion navigating their catalog search features. As noted by BMI:

To search AllTrack's repertoire, a user must provide *two* of the following data inputs: (1) song title, (2) publisher, (3) songwriter, and (4) performer. In other words, identifying the copyright owners affiliated with AllTrack and the musical works in its repertoire requires, at a minimum, running many time-intensive, granular, individualized searches based on inputs a user would need to obtain independently of the information AllTrack makes available. For example, for a user to determine the existence and scope of AllTrack's rights in songs by a given songwriter, the user would need to: (1) independently identify (outside of any information made available by AllTrack) the name of each song written by that songwriter, the performer of each such song, or the publisher of each such song; and then (2) manually input, in separate searches, each potential combination of the songwriter's name and one of these other data points to determine which, if any, songs by a given songwriter are contained in the repertoire.²²

Pro Music Rights' website, meanwhile, allows searches of its purported catalog by work, publisher, writer, or artist, but it does not allow users to combine those inputs, and "it is therefore

²² *Supra* note 17, at 22.

unclear from the search results what portion of a given musical work Pro Music [Rights] controls.”²³ Legal action against Pro Music Rights’ founder provides further evidence that the PRO is engaged in a pattern of deception, if not outright fraud.²⁴

Section 5 of the FTC Act declares unfair or deceptive acts or practices unlawful,²⁵ and Commission policy suggests misrepresentations or omissions of material information may constitute deception.²⁶ Therefore, I request the FTC examine the behavior of AllTrack and Pro Music Rights for potential violations of Section 5 of the FTC Act.

I also ask that the FTC consider issuing guidance on potential unfair or deceptive acts or practices in music licensing. This will ensure both PROs and licensees have clear guidance on what behavior may constitute a violation of Section 5.

Thank you for your attention to this matter, and for your continued efforts to protect consumers.

Sincerely,

A handwritten signature in blue ink that reads "Scott Fitzgerald". The signature is fluid and cursive, with the first name "Scott" and last name "Fitzgerald" clearly legible.

Scott Fitzgerald
Member of Congress

²³ *Id.*, at 23.

²⁴ *Id.*, at 24 n.49 (“[Pro Music’s founder] is a fraudster who has engaged in a multi-year campaign to generate artificial streams on Spotify’s online music service, scam undeserved payments from Spotify, and gin up bogus claims of copyright infringement after Spotify discovered [Pro Music’s founder’s] scheme and removed his content from its service.”).

²⁵ 15 U.S.C. § 45(a).

²⁶ Federal Trade Commission, Policy Statement on Deception, 103 F.T.C. 110, 174 (1984) (*appended to Cliffdale Assocs., Inc.*, 103 F.T.C. 110 (1984)).