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## eric schwartz served as expert witness for broadcast music inc.'s recent "rate court" victory

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April 14, 2023

On March 29, 2023, Judge Stanton in the Southern District of New York issued a ruling on the rate paid by the North American Concert Promoters Association (NACPA) to Broadcast Music Inc. (BMI) songwriters and music publishers for live musical performances at NACPA venues. In 2013, the parties started private rate negotiations, but litigation was commenced soon thereafter. The March 29 order granted BMI a significant rate increase that concert venues must pay BMI for the live performance of BMI compositions, and it broadened the scope of revenue streams collected by NACPA venues to be included in the monies paid. It is the first rate increase in a decade and it is both prospective and retroactive.

Eric Schwartz prepared an expert report comparing the U.S., Canada and U.K. copyright laws, including their public performance rights, operations of their collecting societies, and the government oversight and regulations of those societies. This report served as a reference point for the economist expert whose report was cited in the order to compare U.S. (BMI) and rates abroad. The comparative law report was the first time that foreign laws and rates were considered by the court.

More information on this case can be found [here](#).

### attorneys

Eric J. Schwartz

### practice areas

entertainment transactions