

Georgia Music Partners  
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July 7, 2025

The Honorable Andrew N. Ferguson  
Chair, Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580

The Honorable Gail Slater  
Assistant Attorney General  
Antitrust Division, U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Re: ATR20250002 / DOJ-FTC RFI on Harmful Practices in Live Ticketing

Dear Chair Ferguson and Assistant Attorney General Slater:

On behalf of Georgia Music Partners, we strongly support the Department of Justice and Federal Trade Commission's inquiry into harmful practices in the live event ticketing industry.

Georgia Music Partners is a Georgia-based music industry consultancy and policy advisory firm dedicated to supporting artists, songwriters, and independent labels across the state and beyond. Rooted in Georgia's deep musical legacy and direct experience with the daily realities artists face, we provide strategic guidance on many issues facing artists, songwriters and the recorded music industry, touring, and live event policy which is why we are participating in this RFI. We work to strengthen the economic foundations of the music industry—especially in the Southeast—by promoting transparency, fair competition, and artist-centered reforms.

The biggest issue currently facing the live music industry is legalized scalping via secondary ticket sellers. Platforms like StubHub, Vivid, and SeatGeek have systematically dismantled the live event ecosystem, poaching from the businesses that are invested in creating the experiences fans love. These secondary platforms are now a \$10 billion business, profiting off of the hard work and investments of artists, promoters, and local venues, dismantling business ecosystems, fans trust and artists livelihood.

We are deeply concerned by the increasing commodification of the event ticket market by online resellers. These predatory companies undermine artist control over their own tickets, inflate prices, and shut out real fans—this is not innovation, it is destruction. We have long supported common sense and bipartisan ticketing reform legislation and our Executive Director participated in a panel on ticketing abuse at the recent Artist Rights Symposium in Washington, DC hosted by the Artist Rights Institute and American University's Kogod School of Business and Entertainment Program, as well as symposia at the University of Georgia at Athens Terry College of Business and CLE at the University of Texas. This effort is to support a collaborative and bipartisan consideration of the policy ramifications of legislative responses to harms from unchecked ticketing practices in the music industry.

We urge the Department of Justice and the Federal Trade Commission to consider the broader context of these practices, including threats to the artist-fan covenant for reasonable and accessible ticket pricing; the rise of speculative ticket listings before inventory is even secured; the use of bots and technical tools by fraudsters to manipulate ticket prices; and the erosion of artist control over whether tickets may be transferred or resold. Fans and creators alike would benefit from allowing artists to cap resale at face value plus a modest transaction fee.

The Department of Justice and the Federal Trade Commission should be aware that trade associations representing the interests of resellers pour substantial resources into lobbying at the state level to pass legislation that we believe would significantly undermine event ticketing to the great profit of resellers—in fact, StubHub has filed an S-1 with the SEC

intending to take their company public. It is hard to imagine how much of a business that resellers will have without these practices that we assess are possibly illegal.

Moreover, resellers also mount influence campaigns aimed at blurring the lines between Live Nation's commercial position and the deeper dysfunctions in the ticketing ecosystem. They present themselves as rivals to Ticketmaster, yet they capitalize on the very chaos they claim to oppose—arbitraging dislocation of audiences, creators, and event organizers. While dismantling the Live Nation–Ticketmaster merger may target anti-competitive behavior in event promotion, it won't curb the growing harms inflicted by the IPO–driven resale economy. These are distinct crises that require separate investigations and tailored regulatory responses.

Following are five crucial issues that we wish to bring to your attention.

The Artist-Fan Covenant is not a Shakedown

At the heart of any successful artist is the tacit understanding between artist and fan that the artist will treat the fan fairly in appreciation for their support. This commitment rises to the level of an informal covenant that must be treasured and respected over the long haul.

Resellers commoditize that relationship. They treat any one concert as though all concerts are fungible and all tickets should extract the maximum price for any one ticket. This is not the way artists treat their fans. A ticket is not a shakedown. Artists set ticket prices to be affordable now and in the future to keep long-time fans coming back and to encourage new fans to join the club. They definitely do not want fans to have to borrow money to be able to afford to attend, an alarming practice that we believe is driven largely by astronomical ticket prices charged by resellers. It is often a struggle to keep pricing in line with costs. Artists have to be able to afford all the different costs of touring without setting prices so high that true fans cannot afford the show. Resellers have none of these considerations and just want to jack up prices likely because they have no skin in the game and one fan is just another mark to fleece. Please understand that artists do not get any of the reseller's premium profit that fans strain to pay and even borrow the funds to pay, but artists get all the blame for gouging fans. It is the reseller who gouges the fan solely to extract the maximum cash that any one fan is willing to pay or borrow. Artists don't want it, venues don't want it, but the resellers continue to lobby for unrestricted economic aggression.

This issue could largely be solved by enforcing transferability restrictions desired by artists which the DOJ and FTC likely could stop under existing authorities.

#### Resale of Non-Transferable or Restricted Tickets

Many artists and venues sell tickets with clear restrictions—such as non-transferability, ID checks, or will-call-only pick-up—in order to prevent scalping and ensure fairness. Despite this, secondary platforms often list these restricted tickets without disclosure, putting consumers at risk of being denied entry at the door. This undermines the artist's intent, violates the terms of sale, and leads to consumer frustration and financial loss when invalid tickets are sold under false pretenses. It is this kind of unfair business practice that the DOJ and FTC have the authorities to adjudicate.

#### Speculative Ticket Listings

A widespread and deeply misleading practice in the resale market involves listing event tickets for sale before the seller has actually acquired them, a practice which might well be a prohibited sale if such phantom tickets were treated like the commodities the resellers seem to think they are. These phantom listings give the illusion of actual inventory and drive artificial price inflation by creating the appearance of scarcity. Speculative ticket sellers and resellers also deceive consumers into purchasing tickets that may never materialize. The FTC's staff perspective from the Commission's 2020 *That's the Ticket* workshop explicitly warned about speculative ticket listings where sellers sometimes disappear, offer seats at other tour stops instead of the purchased event, or flatly refuse refunds.

Further, the Commission's report noted that this often leaves consumers "incur[ring] losses that significantly exceed the ticket price" due to nonrefundable travel, hotel, or airfare costs. If anyone should be responsible for covering the fan's out of pocket costs due to failed speculative ticket orders it should be the reseller or if the actual reseller has ghosted the law, the platform itself. This is particularly important for regions of the country like Georgia where music tourism is a significant driver of our State's economy and we want to protect fans from bad travel experiences.

Another priceless cost to both fan and to the artist is the bad feeling and disappointment that the fan experiences due to actions that the artist did not sanction, makes no profit from, and yet gets blamed for.

To the extent that speculative tickets are lawful at all—as states have begun outlawing the practice—meaningful labeling to warn fans is crucial. A simple "buyer beware" type statement in bold print on each listing making it clear that the fan is buying a ticket that doesn't exist, may never exist, and their purchase price is 100% at risk along with any other sums they spend would go a long way toward putting the practice where it belongs.

Even without such appropriate consumer warnings, such behavior should be treated as a deceptive and unfair trade practice under existing federal law and prosecuted under the current authorities of the DOJ and FTC.

#### Price Manipulation Through Bots

As NITO described in their complaint to the FTC, scalpers regularly deploy sophisticated bot software to bypass purchase limits, scoop up large quantities of tickets within seconds of an on-sale event, and immediately relist them on secondary marketplaces at inflated prices. This practice violates the BOTS Act, but enforcement remains limited. The use of these tools creates an environment of artificial scarcity, leaving average fans unable to access tickets at face value. It also undermines the integrity of primary ticket sales and erodes public trust in the entire system.

#### Deceptive Use of Venue, Artist, or Promoter Branding

Resale platforms frequently co-opt the branding, names, and even likenesses of artists, venues, and promoters in ways that mislead consumers into believing they are buying tickets from official sources. This includes typosquatting on web domains, embedding purchased keywords and metadata to manipulate search results, and using visual layouts that mimic authorized sellers. This is another example of shoddy practices at search platforms that both amplify and perpetuate this illegal behavior to the profit of everyone except the fan, venue and the artist. These practices not only violate the trust between fans and artists, but also compromise the commercial identity and reputation of the performers and venues involved. We appreciate the FTC's efforts in the *FTC v. TicketNetwork, Inc.*, *FTC v. SecureBoxOffice, LLC*, and *FTC v. Ryadd, Inc.* cases, but more needs to be done.

#### Conclusion

As Georgia's leading voice for music creators and industry stakeholders, we urge DOJ and FTC to investigate the role of these vitally important issues to the Georgia music economy as well as the Nation. Restoring integrity to ticketing requires more than transparency; it requires meaningful oversight and safeguards that ensure the benefits of live performances remain with those who create and support them.

Sincerely,  
Mala Sharma on Behalf of  
Georgia Music Partners