



## Plan for Congress to Protect Fans & Artists

**A detailed roadmap for Congress to enact comprehensive ticketing reform to protect consumers, empower creative economic development, and restore trust in the ticketing experience for fans and artists.**

### **WHY CONGRESS SHOULD ACT NOW TO FIX TICKETING FOR FANS & ARTISTS**

Fans and artists are facing the glaring consequences of an unchecked ticketing market that has been exploited by predatory resellers. If Congress does not act, the status quo - devoid of essential protections - leaves consumers vulnerable and harms artists.

Predatory and deceptive practices run rampant, as ticket resale platforms become breeding grounds for fraud, counterfeit tickets, and exorbitant price gouging. As a result, according to Bloomberg, resale ticket prices on one platform - Stubhub - have increased more than 100 percent since 2019, while the face value of tickets has increased only ten percent.

Moreover, predatory resellers undermine the hard work, talent, and livelihood of artists, making money off their backs while limiting the number of live events fans can attend, quashing the careers of emerging artists. In particular, speculative tickets are a nefarious scheme by predatory resellers who view tickets as nothing more than commodities to be traded for exorbitant sums.

A patchwork of state laws is emerging to safeguard fans and artists in the ticketing marketplace. It is imperative to establish federal legislation that guarantees artists the ability to tour nationwide while playing by the same set of rules. Furthermore, this legislation is crucial to ensure that fans in every state are afforded the best opportunity to buy tickets without significant markups, fostering a fair and accessible ticketing experience for all.

We urge Congress to enact comprehensive legislation that safeguards consumers from fake tickets, price gouging, and other deceptive practices, provides transparency in ticket pricing, and restores integrity to the ticketing marketplace.



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### THE PLAN

#### Protect Fans from Price Gouging

Artists and venues should be empowered to keep prices low for fans by restricting predatory reseller markups.

##### Congress should:

- make it illegal for resellers, professional ticket brokers, and ticket platforms to violate the artists' and venues' ticket terms and conditions, including restrictions that prohibit price gouging of fans through the resale of tickets above face value.

#### Ban Fake Tickets

No one should be permitted to sell a ticket unless they legally own it and have it in their possession.

##### Congress should:

- require that resellers and ticket resale platforms legally obtain each ticket and have each ticket in possession, virtually or physically, prior to placing it on sale.
- require that the ticket resale platform has written proof that a reseller possesses a ticket to sell.
- prohibit the sale of “speculative tickets” or fake tickets, which are a nefarious scheme by predatory resellers who view tickets as nothing more than commodities to be traded for exorbitant sums.
- not legalize “speculative tickets” or fake tickets in federal law by allowing for their sale with simple disclosures that continue to allow the ripping off of fans and confuse consumers into buying tickets they may never receive.

#### End Fraudulent Resale Practices

Deceptive websites and unauthorized use of artist and venue likenesses by resellers should be banned to prevent fans from paying higher prices and fees for tickets on the resale market.

##### Congress should:

- make illegal the unauthorized use of any artist name, venue name, event organizer name, graphic, imagery, marketing content, or any other intellectual property of the artist, venue, or event organizer.



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- make illegal the use of deceptive URLs, search engine optimization, or advertising that improves the visibility of secondary sites over primary sales platforms and makes fans believe they are buying tickets from the venue or artist.
- require secondary ticketing resellers and platforms to clearly and conspicuously disclose:
  - a notice that it is not the primary ticket issuer and venue;
  - that a ticket may still be available from the primary ticket seller and link back to the primary ticket seller;
  - the original face value and fees of each ticket; and
  - a certification that the event ticket offered for sale is in the possession of the reseller or secondary ticketing platform.

### Ensure Every Fan Has The Full Ticket Price Up-Front

Consumers and fans should know the full cost of the ticket up-front and throughout their transaction.

#### Congress should:

- require that primary and secondary ticketing platforms clearly and conspicuously provide fully itemized disclosure of ticket face value, all mandatory ancillary fees, and the total price from the first time prices appear through checkout, eliminating any surprises or deception.

### Prioritize Privacy & Ensure Fan Safety

Ensure venues and artists can contact fans with changes to the show or in case of emergency while maintaining fan privacy.

#### Congress should:

- require that contact information of secondary market ticket buyers be provided to the artists and venues for the show they will attend to ensure that all fans can be contacted by a venue or artist if a show is rescheduled or if there is an emergency.
- ensure that secondary ticketing buyer information is protected and not used for sales or marketing purposes without the express permission of the fan.



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### Guarantee Fans The Chance to Recoup Their Costs If They Can't Make The Show

Genuine fans should be provided the opportunity to exchange their tickets with other fans at face value.

#### Congress should:

- establish a right for fans to offer to exchange or sell their tickets at or below the original total cost of the ticket.

### Certainty Across the Country

Fans, artists, and venues should have the certainty of these protections across the country and in every state and community without a patchwork of conflicting bureaucratic requirements.

#### Congress should:

- ensure that the reforms and protections laid out in this plan apply across all states, territories, outlying areas, and the District of Columbia to ensure that massive ticketing companies don't use their deep pockets to hire lobbyists to undo these protections in individual states, territories, and localities.

### Enforcement to Ensure Fans and Artists Are Protected

The reforms and protections in this plan should be backed up by enforcement authority at the federal and state levels and fines for bad actors that refuse to comply.

#### Congress should:

- provide enforcement and investigative authority to a federal agency and state attorneys general to ensure compliance.
- authorize meaningful fines for each violation to deter bad actors and punish wrongful conduct.
- create a consultation process for national organizations representing diverse cross-sections of artists, venues, performing arts centers, agents, managers, promoters, record labels, and independent ticketing organizations to play a key role in the implementation of the policies and programs in this plan and their overall enforcement.

### (Actually) Ban Ticket-Buying Bots

The Better Online Ticket Sales (BOTS) Act should be strengthened to ensure real fans, not predatory resellers using bots, are first in line to buy tickets.



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### Congress should:

- update the BOTS Act to reflect the advanced technology being used by predatory resellers to rob fans of affordable tickets and to add restrictions on the sale of bot-bought tickets across state lines.
- require confidential reporting to the FTC by ticketing companies of any known circumvention of security measures by bots or predatory resellers.

### Promote Face Value Fan-to-Fan Exchange and Prevent Primary and Secondary Ticketing Consolidation

Primary and secondary ticketing platforms should not be able to restrict tickets sold for higher than face value to only be sold on their platforms.

### Congress should:

- ensure that artists, working with venues, determine how to get tickets into the hands of actual fans.
- prohibit companies that operate both primary and secondary ticketing platforms from forcing tickets sold for more than face value to only be resold on their platforms.
- encourage ticketing platforms to operate exclusive, no-fee, fan-to-fan exchanges of tickets as long as they are not exchanged on those exclusive platforms for more than the face value (or the original total cost) of the ticket.
- prohibit companies that are primary sellers and secondary resellers from offering secondary resales on the same web page or display where the primary seller also offers tickets for primary sale.

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For more information, visit [www.FixTheTix.org](http://www.FixTheTix.org).