VIA EMAIL

October 17, 2025

Senator Marsha Blackburn
357 Dirksen Senate Office Building
United States Senate
Washington, DC 20510

Senator Ben Ray Luján
498 Russell Senate Office Building
United States Senate
Washington, DC 20510

Re: September 30, 2025, Letter Concerning FTC Allegations

Dear Senators Blackburn and Luján:

I write in response to your letter dated September 30, 2025, seeking information regarding certain allegations in the complaint recently filed by the Federal Trade Commission ("FTC") and seven state attorneys general against Ticketmaster L.L.C. ("Ticketmaster") and its parent, Live Nation Entertainment, Inc. ("Live Nation").[1] I want to assure you that Live Nation and Ticketmaster share your commitment to supporting artists and fans and protecting the integrity of the live entertainment industry. Unfortunately, the recently filed lawsuit does not advance that shared objective. The FTC complaint presents a distorted view of the facts and the law, specifically the Better Online Ticket Sales (BOTS) Act. While we would prefer to work with the FTC on addressing the real threats to the live event industry instead of litigating these claims, we look forward to setting the record straight here, and if necessary in court.

Ticketmaster is an industry leader in the fight against bots and ticket scalping.[2] Among its many initiatives, Ticketmaster has:

- Invested more than $1 billion in ticketing technology, including anti-bot technology, fraud detection, and ticket security.
- Invented rotating barcodes and digital ticketing to stop screenshot resale.

[1] Complaint, *FTC v. Live Nation Ent., Inc.*, No. 2:25-cv-08884 (C.D. Cal. Sept. 18, 2025) ("Compl.").

[2] *See That's the Ticket: Promoting Competition and Protecting Consumers in Live Entertainment: Hearing Before the S. Comm. on the Judiciary*, 118th Cong. 8-9, 57 (2023) (statement of Joe Berchtold, President & CFO, Live Nation Entertainment) ("Senate Hr'g"); Live Nation Ent. Inc., Comment Letter on DOJ-FTC RFI on Anticompetitive Practices in Live Ticketing 2-3 (July 7, 2025) ("DOJ-FTC Comment").

- Pioneered SafeTix and the smart queue digital waiting rooms to get tickets in the hands of real fans rather than bad actors.

- Developed powerful new technologies designed to prevent inauthentic account creation and provide for ongoing account validation.

At the same time, Ticketmaster has recognized that private sector action alone cannot outpace rapid advancements in ticket scalping technology. Especially with AI, bad actors are only getting faster, smarter, and harder to stop. We recently called attention to the proliferation of ticket harvesting technologies in our comments in response to President Trump's Executive Order on Combating Unfair Practices in the Live Entertainment Market. And since this is an industry-wide problem, Live Nation and Ticketmaster have repeatedly called on Congress and regulators to act in this space by enhancing legislative and regulatory protections. We have offered to lend our extensive experience in combatting ticket scalpers, as well as evidence from our various abuse-detection measures, to assist in formulating policies and legislation, and building cases against bad actors. The decision by the FTC to forgo that path in favor of litigation is disappointing. Even more disappointing is the complaint's strained attempt to portray Ticketmaster—the company that has indisputably done more than anyone else in the industry to fight the bad actors—as somehow complicit in their schemes.

In your letter, you expressed concerns about Ticketmaster's ticketing practices based on allegations in the complaint. We address each of the major contentions.

1. "Colluding with Scalpers": Your letter paraphrases the FTC as alleging that "Ticketmaster coordinated with ticket brokers allowing them to obtain millions of dollars of tickets which they then resold on the secondary market." Later you state Ticketmaster was "actively colluding with scalpers and bad actors to extort the American public." We fully understand how one could get this impression from the FTC's complaint and press statements, but it is categorically false. No facts alleged in the FTC complaint indicate that Ticketmaster has conspired with ticket brokers to put tickets directly on resale markets. Live Nation and Ticketmaster do not allow that. We have for many years opposed the various "direct-to-secondary" schemes that others have come up with. We believe that other than standard industry and venue holds, all tickets to every concert should be made available to fans through the primary ticketing channel. And we can assure you that today *every* concert ticket that Ticketmaster is asked to distribute is sold through onsales that are open to fans. *None* are secretly sold or transferred to ticket brokers. To answer one of your questions directly, no, neither Live Nation nor Ticketmaster *ever* "purposefully relax enforcement of ticket limits for certain buyers or brokers for financial gain."

The FTC complaint creates this misimpression by conflating "conspiracy" with a longstanding practice of primary ticketing companies allowing ticket brokers to maintain multiple accounts. That ticket brokers have been allowed to maintain multiple accounts is true; calling that conspiracy is specious. The reality is that brokers have had multiple accounts for a very long time—long before Ticketmaster entered the secondary ticketing business in 2014, and well before StubHub created the first successful secondary ticket marketplace in the early 2000s. This practice harkens back to the days of physical tickets, when ticket brokers would often have a number of employees or others paid to stand in line and purchase concert tickets—a practice that was generally accepted in the industry. Similarly, it was generally accepted that a broker with multiple employees could have each person hold an account and separately purchase tickets. All this can be done legitimately under the rules of the primary ticketing companies without having to resort to any unlawful behavior.

This is all apparently a surprise to the FTC, but as the agency singularly charged with BOTS Act enforcement, it shouldn't be. Ticket resale is dominated by broker inventory. StubHub, SeatGeek and Vivid Seats live and die by ticket brokers, getting 80 to 100 percent of their inventory from brokers. And while there are lots of ways brokers acquire inventory, many plainly illegal, using multiple accounts is one method and not inherently illegal. To be sure, it has gotten out of hand, especially since scalpers developed automated tools for creating Ticketmaster accounts. Given the level of abuse we are now seeing, we are no longer permitting this, as described below. But this is neither conspiracy nor collusion as implied by the FTC lawsuit.

2. TradeDesk: Your letter also appears to accept the FTC's characterization of an inventory management system, TradeDesk, as technological support for unlawful ticket harvesting. This is plainly false. TradeDesk is a suite of ticket management tools that streamline a reseller's business operations, including pricing, inventory distribution, and order fulfillment on various ticket marketplaces, including but not limited to Ticketmaster. It is one of numerous inventory management systems for ticket resellers, some from other ticketing companies like Ticket Utils from StubHub[3] and SkyBox from Vivid Seats,[4] and some from independent technology providers like Automatiq.[5] Brokers use these tools to manage all their tickets across sports, concerts, etc.

TradeDesk has no functionality to buy primary tickets. Contrary to the FTC's allegation, the TradeDesk platform does not in any way enable "bots to buy up and hoard massive amounts of tickets."[6] And while TradeDesk—like every product in this class—has a syncing feature that enables brokers to aggregate tickets from multiple accounts into a single interface, that feature is simply a reflection that ticket brokers have multiple

[3] https://www.ticketutils.com/ We understand StubHub is replacing TicketUtils with a new product called Reach.

[4] https://skybox.vividseats.com/welcome.html

[5] https://automatiq.com/

[6] 9/30/2025 Ltr. at 2.

accounts.[7] If anything, the prevalence of tools like this from multiple vendors should indicate that it is not unlawful, nor a violation of our terms and conditions, to hold multiple accounts.

We have come to the conclusion that the reputational harm to Ticketmaster from having to explain and defend TradeDesk exceeds its value. While we believe this criticism is unfair, we are removing TradeDesk's concerts ticket management functionality from the market.[8] As noted, there are many similar products, so TradeDesk users will likely shift to them. But at least no one will again be able to claim that because Ticketmaster has a resale management product, it has no standing to advocate for resale market reforms.

3. "Turning a Blind Eye": Live Nation and Ticketmaster do not "turn a blind eye to bad actors violating the Better Online Ticket Sales (BOTS) Act."[9] This is a particularly frustrating allegation, since we have invested more than a billion dollars in ticketing technology, including anti-bot and fraud detection measures.[10] These investments are unmatched in the industry, and they have allowed Live Nation and Ticketmaster to block an ever-increasing number of bots—including some 8.7 billion bots in April 2025 alone.[11] We are the only company active in secondary ticketing that supported the BOTS Act and encouraged its enforcement. We encouraged and supported President Trump's Executive Order, have called on the FTC to more aggressively pursue enforcement actions for BOTS Act violations, and also called on Congress to broaden the BOTS Act, provide a private right of action, ban speculative ticket listings, and more. Far from turning a blind eye, Live Nation and Ticketmaster have been facing these issues head on and diligently trying to address them. So, yes, in answer to your question 4.b, we do stand by our previous statement that Ticketmaster is "far and away the leader in preventing fraud and getting tickets into the hands of real fans."

The FTC's blind-eye allegations are premised on the idea that Ticketmaster cozies up to ticket brokers "to collect fees at three different points in the purchasing process."[12] This makes no economic sense. It *would* were Ticketmaster a resale-only marketplace like StubHub and Vivid Seats, or even like SeatGeek, which makes most of its money from

[7] Furthermore, in Ticketmaster's case, the syncing feature is used as a consumer-protective strategy to prevent fraudulent listings—a serious problem on other resale platforms. TradeDesk provides an efficient way for Ticketmaster to verify that a ticket is valid and in the seller's possession.

[8] The primary use of TradeDesk has been in sports, where many teams use brokers for distribution and brokers need multiple accounts to do what the teams ask of them. We intend to incorporate some TradeDesk functionality into a new product to support this. It will not support concert ticket resale.

[9] 9/30/2025 Ltr. at 1.

[10] Live Nation and Ticketmaster do not publicly discuss the methods and technologies used to enforce ticket limits and prevent bots, but they have provided detailed information to the FTC.

[11] *See* DOJ-FTC Comment 2, 5.

[12] 9/30/2025 Ltr. at 1.

secondary. But secondary ticketing accounts for approximately 3% of Live Nation's revenue, and revenue from fees on concert ticket resale is less than 2% of Live Nation's revenue. Ticketmaster's market share in concert ticket resale is also less than 20%, meaning that over 80% of the time a concert ticket gets resold, *some other marketplace collects any resale fees*. In this setting, Live Nation's incentives are plainly to favor its relationships with artists and fans and Ticketmaster's primary ticketing business, and not to jeopardize any of that for the benefit of such a small portion of its operations. This is why Ticketmaster is alone among secondary marketplaces in supporting resale reform.

Against all that, the FTC complaint repeatedly highlights a September 2018 internal email among Ticketmaster and Live Nation personnel to assert that the companies "'turn a blind eye as a matter of policy' to brokers' violations of posted ticket limits."[13] That is not what the email says, nor what the author of the email meant—which the FTC failed to understand in part because they did not take any depositions prior to filing its lawsuit. The author's point was that while Ticketmaster has "lots of anti-abuse tools that we use actively," because of the company's "policy of keeping a wall between our primary and resale operations," the Ticketmaster resale operation could not distinguish between properly and improperly sourced tickets. In other words, the "policy" he was complaining about was the "wall," which the company had erected for antitrust compliance reasons, *i.e.*, to guard against claims that it was using its primary ticketing business to advantage its resale business. He was *not* saying that Ticketmaster had a policy to let brokers circumvent ticket limits. The FTC picked nine words out of context and *changed the policy those words addressed* to create that misimpression.[14] It also misleadingly presented that seven-year-old email as reflecting present-day policy.[15]

This discussion occurred in the aftermath of the CBC stories about TradeDesk in October 2018. At that time, Ticketmaster indeed reviewed its policies toward brokers and resale generally. And of course, as the FTC emphasizes, Ticketmaster assessed the economic implications of various alternatives as anyone would. But what the FTC missed is that Ticketmaster mainly focused on what would be *effective* in addressing the root cause of brokers creating and using inauthentic Ticketmaster accounts (irrespective of predicted impact on the business). Measures that would simply cause brokers to avoid Ticketmaster and post on other resale marketplaces instead were fundamentally illusory, and rejected on that basis. On the other hand, Ticketmaster did not decide to do nothing, as the FTC claims. To the contrary, it chose to expand its abuse prevention and account verification measures, which it determined would address root causes. Wave after wave of more sophisticated and

[13] Compl. ¶ 15; *see id*. ¶¶ 82, 90-91.

[14] The "wall" exists to this date, as in the ensuing years unfounded complaints that Ticketmaster leverages its position in primary ticketing for the benefit of its resale business have been constant.

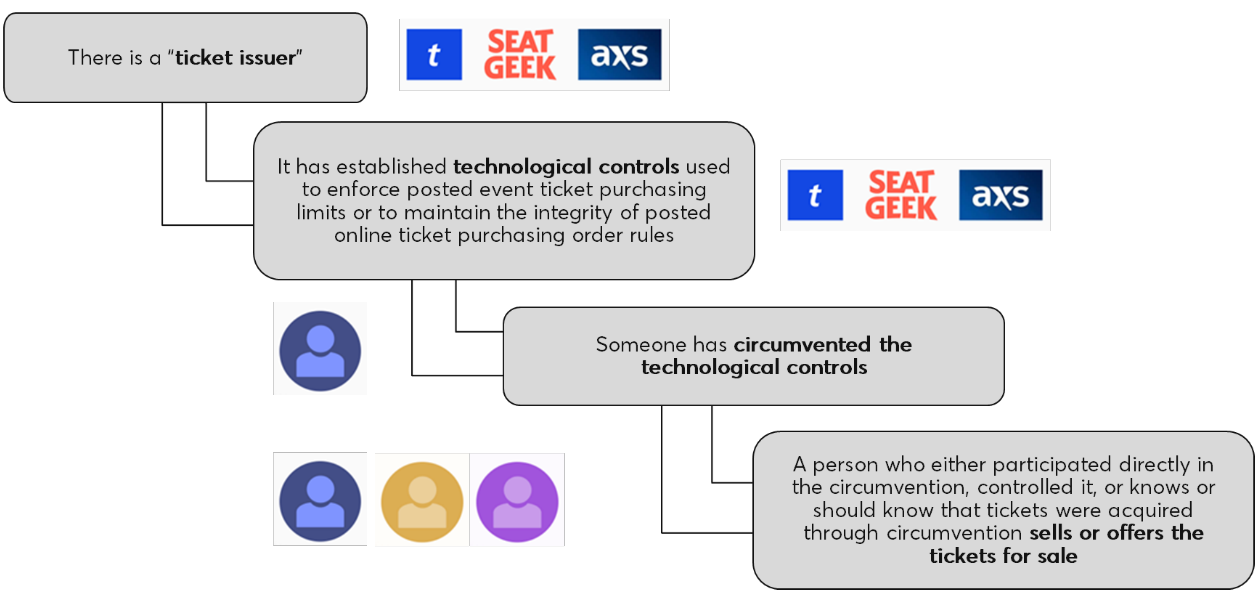
[15] *See* Compl. ¶¶ 90-91.

effective abuse prevention measures followed, counter to the FTC's suggestion that Ticketmaster decided to do nothing at all.

4. The BOTS Act: We want to be very clear that Ticketmaster has never tolerated, let alone facilitated, violations of the BOTS Act. We do not believe the FTC has alleged a credible BOTS Act violation by Ticketmaster, and we are confident it will not prove one.

As strong supporters of the BOTS Act, we have always been thankful to Sen. Blackburn for championing it—and thankful to you both for looking to enhance it through the MAIN Event Ticketing Act. We have also had a clear understanding of its meaning. It was passed as a first but important step in addressing the growing problem of ticket scalpers using automated purchasing scripts called bots and other *technological exploits* to buy substantial volumes of tickets from primary ticketing companies like Ticketmaster. In short, it was passed to help us with our work to fend off automated ticket harvesting by making it illegal to circumvent the technological controls we use to enforce ticket limits.

To that end, the BOTS Act makes it unlawful for any person *"to circumvent a security measure, access control system, or other technological control or measure"* that a primary ticketing company uses "to enforce posted event ticket purchasing limits or to maintain the integrity of posted online ticket purchasing order rules." The act of circumventing a technological control is illegal on its own. But then a companion section makes it illegal "to sell or offer to sell" any ticket acquired through circumvention if the seller participated in the circumvention, controlled the circumvention, or "knew or should have known that the event ticket was acquired" through circumvention. Here is a graphical representation of how the statute works.



At its core, the BOTS Act targets three things a scalper might do: it might circumvent our controls itself, it might get someone else to circumvent our controls, and it will sell or at least try to sell the tickets acquired through circumvention.

The FTC case is based on a fundamentally novel and expansionist view of the BOTS Act that makes it illegal to circumvent *ticket limits*—full stop—not just technological controls protecting ticket limits. They have written "technological controls or measures" out of the statute, deeming that unnecessary to finding circumvention. And upon that foundation, they claim that whenever a secondary ticketing marketplace sees that an individual or entity is posting more tickets than the one-account ticket limit, the marketplace knows there has been circumvention and therefore also violates the BOTS Act.

This will all be resolved in the litigation but suffice it to say that we strongly disagree with the FTC's position. Ironically, just days before the FTC staff revealed their new theory, we had urged President Trump to support an expansion of the BOTS Act that was not limited to circumvention of technological controls.[16] For now, however, that is undisputedly a limiting principle. The Act does not give the ticket limit itself the power of federal law. The countless families, friends groups, church groups and others who have used multiple accounts to seek tickets to see a favorite artist are not BOTS Act violators. The scalpers who use technological exploits to buy tickets are.

5. Addressing the Proliferation of Broker Accounts: We of course understand that the emotional force of the FTC's lawsuit comes from the fact that some ticket brokers today simply have too many accounts. It doesn't matter whether that's lawful or unlawful. What started as a reasonable and acceptable level of behavior has been abused, and today it is growing exponentially through digitally exploited means. It's unfair to artists and fans and it is time to do something about it.

This is not an easy issue, because, as we have said before, the practice in the industry for a very long time has been to let professional resellers have multiple accounts and use them to try to buy tickets. We have never thought it was our place to change unilaterally the

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[16] See DOJ-FTC Comment at 11:

> The key prohibition [of the BOTS Act] is structured so that it is unlawful for any person to "circumvent a security measure, access control system, or other technological control or measure" used "to enforce posted event ticket purchasing limits or to maintain the integrity of posted online ticket purchasing order rules." That is a rather indirect way to describe what bots do. It requires an inquiry into whether there is "circumvent[ion]" of security measures, which is not only unnecessary but invites arguments that defenses ticketing companies put up against improper ticket harvesting do not qualify as security measures to enforce ticket limits or ticket purchasing order rules.
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> Live Nation has proposed an amendment to the BOTS Act that would make circumvention of security measures subordinate to a broader prohibition that makes it unlawful for ticket brokers "to use or cause to be used any software application that runs automated tasks over the internet to purchase event tickets from an Internet website or online ticket marketplace." Since there is no downside from "over-deterring" bots usage, the prohibition should be broadly worded.

historical practices of the industry.[17] Instead, we have focused on stopping scalpers from creating fake accounts, and we have developed ticket queueing processes that with increasing efficacy favor fans who actually attend events over purchasers that transfer tickets instead of attending. Favoring fans is also the idea behind our preregistration product Artist Sign Up, and our Face Value Exchange that allows artists to choose not to permit any for-profit transfers.

To counter this increasingly unfair behavior, our policy will now be to limit everyone and every entity, ticket brokers included, to only one Ticketmaster account. This is not easy to do—and we know scalpers will do everything in their power to undermine us. But fortunately, we have new AI tools and identity verification technology that we think makes this a reasonable aspiration. It also aligns with the FTC's position that it is illegal for brokers to use more than one account to buy tickets. We are therefore announcing today that we will no longer let any broker maintain, buy tickets with, or post resale tickets with more than one account. Excess accounts will be canceled in due course. Nor will we allow any broker to post more tickets on our resale marketplace than the posted ticket limit. To that end, we will require every account that wishes to post tickets for resale on Ticketmaster have a unique Taxpayer Identification Number (SSN or EID).

Experience teaches us that we can expect all sorts of exploits and subterfuges to get around this policy. We will therefore be increasing our efforts to prevent the creation of new, unauthorized accounts that may be used to replace cancelled accounts. Ticketmaster already blocks over 99% of the up to 25 million account sign-up attempts *every day* because our technologies determine these are not real fans, and we have stopped over 6 billion fake accounts so far this year. We will also be deploying AI tools on existing accounts, identifying those accounts most likely to be unauthorized accounts, requiring validation that the accounts are held by fans, and canceling those that are not validated. Yet it is, and always will be, a numbers game, with bad actors throwing billions of account creation requests at us figuring that if even a small fraction succeed, they can buy and scalp lots of tickets. With our new AI models and identity verification tools, we will make that harder.

6. Better Anti-Bot Measures: We are also improving our technologies against bots. Ticketmaster already blocks over 200 million bots *daily,* a five-fold increase from 2019. We continue to invest to improve our ability to block bots on Ticketmaster, and in addition we will be offering artists additional anti-bot tools for Artist Sign Ups for major onsales and post-onsale ticket sweeps. Together we expect these tools will increase the percentage of tickets going to real fans and enable faster assessment and cancelation of bot-purchased tickets.

Ultimately, Ticketmaster's commitment is to do what it takes to make sure that tickets meant for fans get to fans. That should not be as hard as it is—but it is every bit as

[17] Your Question 5 asks whether Ticketmaster audits brokers to ensure compliance with posted limits. At an artist's request, Ticketmaster conducts "OTL Sweeps" that are meant to determine if tickets were acquired with bots or other unauthorized means. Brokers are regularly caught in OTL sweeps, since normally bad brokers rather than fans are acquiring tickets through improper means.

hard as one should expect when ticket scalpers are making billions of dollars every year. Regardless, to protect fans, artists, and event organizers, Ticketmaster will continue to invest in abuse-prevention measures designed to detect and prevent scalpers and other bad actors from interfering with sales or acquiring tickets in violation of Ticketmaster's terms.

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Live Nation and Ticketmaster once again reiterate their commitment to supporting artists and fans while protecting the integrity of the live entertainment industry. We respectfully believe this litigation is misguided. Litigating this case will needlessly consume resources that should be directed toward our shared objective of addressing the problem of ticket scalping. Thus, while Live Nation and Ticketmaster will vigorously defend against these allegations, we remain committed to working with Congress and the FTC on real solutions as well.

As to the MAIN Event Ticketing Act, Live Nation and Ticketmaster support it but would go further. We appreciate the addition of a BOTS Act prohibition that covers the use of ticket buying software directly, but as noted earlier we would not tie this to "circumvention of an access control system, security measure, or other technological control or measure." It ought to be illegal to use any software application that runs automated tasks over the internet to purchase event tickets, period. There should not be any qualifiers on how the software automates ticket harvesting for live events.

We support, with some concerns, the proposal to require online ticket issuers to report to the FTC any incidents of circumvention of which the ticket issuer has actual knowledge. We have proactively shared information with the FTC about suspected ticket harvesting efforts on multiple occasions, but we have yet to see the FTC take action on any of our tips. But the larger issue is that attempted circumvention of technological controls is not an occasional, noteworthy event. It happens constantly and at enormous scale, and we are confident the FTC understands that. A reporting requirement is also problematic because it is in the nature of this arms race that the ticket company may know when it has *won* a battle by stopping a circumvention attempt, but probably not when it has *failed*. To illustrate, with the new technologies we have and the initiatives described above, we may cancel up to 10 million fake accounts (out of over 300 million accounts on the Ticketmaster Host system). It is very hard for us to believe that 10 million fake accounts were created without some kind of technological tool that, in our view, should be unlawful. Our data scientists can make educated guesses about how some of those accounts were created (e.g., using technology that creates fake emails). But when do inferences lead to the "actual knowledge" that triggers the reporting requirement? This concerns us.

The obvious targets for BOTS Act enforcement actions are the purveyors of ticket harvesting technology and their customers. The FTC already knows who these people are. Furthermore, if the FTC genuinely believes that secondary marketplaces violate the BOTS Act by allowing brokers to post more tickets than the one-account ticket limit, all secondary marketplaces are targets for enforcement. In all events, we need more enforcement as opposed to simply more reporting.

We trust this letter answers your questions, and that the policy changes we are making demonstrates our commitment to real change. Please do not hesitate to contact us again should you have further questions.

Very truly yours,

Daniel M. Wall
Executive Vice President
Corporate and Regulatory Affairs
Live Nation Entertainment, Inc.