NATIONAL ASSOCIATION OF TICKETING PROFESSIONALS

NATP Statement on FTC Ticketing Enforcement

The National Association of Ticketing Professionals (NATP) supports the BOTS Act and vigorous enforcement against unlawful bot activity. However, the FTC's recent actions raise important questions about the interpretation and enforcement of the law.

The BOTS Act was enacted to combat automated ticket-buying technology that can shut ticket buyers out of on-sales. NATP believes its enforcement must remain consistent with that purpose, with clear standards distinguishing unlawful conduct from legitimate ticket-purchasing activity. The FTC is now seeking to apply the BOTS Act to any company who uses more than one account to purchase tickets even if that process involves humans logging onto Ticketmaster and waiting in queues along with other consumers. NATP believes that aggregating purchases made by individual ticket buyers should not, by itself, establish unlawful circumvention under the BOTS Act.

The FTC's interpretation raises concerns that Ticketmaster's own purchasing limits could effectively determine what constitutes a violation of federal law. Ticketmaster also maintains the right to pick and choose those limits and even the right to change them at any point in time. This distinction deserves scrutiny in an industry where one company holds a dominant position in primary ticketing, operates a multibillion-dollar secondary ticketing business, establishes or enforces purchasing restrictions, and controls the technology used to enforce them. These privately established rules can then become central to federal enforcement actions, with the company itself supplying evidence of suspected violations.

The FTC has separately alleged that Ticketmaster knowingly allowed some ticket buyers to circumvent purchasing limits while profiting from the resulting resale activity. Those allegations raise important questions about those incentives and enforcement practices, particularly when its own purchasing restrictions and evidence play a role in federal enforcement.

NATP believes the purchasing policies of a dominant primary ticketing company should not dictate the interpretation or enforcement of federal law. We welcome judicial resolution that provides clarity for regulators, the ticket industry, and consumers.