



## **Music Publishers' Association of the United States**

Minutes of the Officers & Board of Directors Meeting  
21 April, 2005 at the BMI

Julie Averill (Administrator)	Present
Jennifer Bilfield	Absent
Beebe Bourne (President)	Present
Arnold Broido	Present
Gene Caprioglio	Present
Susan Feder	Absent
Aida Gurwicz	Absent
Margaret Heskin	Present
Brian Hill	Present
Christopher Johnson	Absent
Lauren Keiser (1 <sup>st</sup> Vice-President)	Present
James Kendrick Esq., Counsel	Present
Kathleen Marsh	Present
Larry Morton	Absent
David Murray	Present
Marc Ostrow	Present
Lee Paynter	Absent
Lynn Sengstack	Absent
John Shorney	Absent
Charles Slater (Treasurer)	Present
Robert Thompson (Secretary)	Present

### Housekeeping & Announcements

The meeting was called to order by Bourne at 10:12 AM. The minutes of the 24 February 2005 were approved as circulated.

### Treasurer's Report

The current Balance Sheet is \$182,736. Slater provided a summary and breakdown of dues payments. The top nine publishers account for \$13,500, or 38% of the \$35,600 received. A motion to approve Slater's report was approved.

### Old Business

#### 1. Annual Meeting

- a. Paul Revere Awards. The judging will take place on May 3<sup>rd</sup>. Paul Sadowski has secured judges.
- b. Morning Session (International Copyright). As a point of reference for the session, Broido provided the Board with a ICMP report, which reflected the major issues on the international scene facing the ICMP. Arnold Broido will chair the panel, which includes Marvin Berenson, John LoFrumento and Jenny Vacher. Broido asked MPA members to prepare questions to ask.

- c. Luncheon: Jenny Bilfield reported that Dana Gioia is unable to make the annual meeting, and has recommended a substitute. President Bourne reported that Fred Koenigsberg is confirmed.
  - d. Afternoon Session (Emerging Technologies): Jonathan Irons, Larry Larson, Gerd Leonhard, Tod Machover are confirmed.
- 2. Archives. Lauren Keiser reported that the MPA Archives arrived at Sibley three weeks ago. Lynn Sengstack arranged for the transport of materials to Sibley. A report on the Archives will be prepared shortly. Discussion ensued for a modus to keep the Sibley Archives current, by sending MPA archival materials (minutes, etc.) on a regular basis. Thompson will ad a press release to the MPA Web Site.
- 3. DVD Project. President Bourne had sent DVD copies of Dave Olsen's presentation to all Board Members. She suggested that the video be edited down to a practical length of twenty minutes. Ostrow, Broido and Thompson will oversee the editing. President Bourne approved an expenditure of no more than \$500.00 to edit and adjust audio for the DVD.
- 4. Oral Histories. President Bourne is in touch with NAMM. Kendrick drafted a letter of agreement, and interviews are being planned. A person from the MPA is needed to oversee the project.
- 5. Paul Revere Traveling Exhibit. Julie Averill reported that the Revere Traveling Exhibit continues on its tour (a schedule is posted on the MPA Website).
- 6. R&D Survey. Larry Morton's R&D Survey Report was distributed

#### New Business

- 1. Legislative Update.
  - a. Jim Kendrick reported on oral arguments in *MGM v. Grokster*. There is no indication as to how the Court might rule. It appears that there is an impetus to make liable manufacturers of technology for which the intent is illegal use, while continuing to uphold the tenants of Sony Betamax encouraging innovation.
  - b. *Capitol Records v. Naxos*. Naxos was found to have infringed Common Law Copyright in the State of New York for issuing new releases of recordings that were public domain in the United Kingdom, but not explicitly protected under the US Copyright Act. The issue now is that each state is free to decide the issue on its own merits, which would place a tremendous burden on interstate commerce. It is thought that the issue could find its way to Congress.
  - c. *Gema and IFPI*. The German society for musical performing and mechanical reproduction rights, announced on Monday that in its dispute with the German section of the IFPI, the International Federation of the Phonographic Industry, the arbitration board at the German Patent and Trademark Office had come down in favor of its position on the royalty rates to be charged for CDs. The representatives of the phonographic industry had based their call for a reduction of the royalty rates on, among other points, the additional costs to the industry stemming from media-advertising for sound carriers and its anti-piracy efforts. This royalty rates dispute has been going on for more than a year now. The German Patent and Trademark Office had now, however, confirmed the adequacy of the current rate of 9.009 percent of the maximum selling price to retail dealers per sound carrier and thereby rejected both the demand for a lowering of that share to 6.6 percent and an additional reduction again of one percentage point on account of the costs borne by the industry in its efforts to combat piracy, the GEMA declared. Thus the current normal contract will essentially continue to apply. The International Federation of the Phonographic

Industry nonetheless rates as favorable the conditions for the talks about to begin on the reduction of the tariffs for the Internet and mobile use of music. The IFPI considers GEMA's licensing demands of 15 percent for these areas excessive and believes that these tariffs cannot be made to accord with the licensing scheme defined as adequate by the arbitration board.

- d. Kendrick reported on a request by <http://lyrics.duble.com/> to link the MPA site to their site. The Homepage provides a disclaimer that "all lyrics are the property and copyright of their respective owner. All lyrics provided for educational purposes and personal use only". The site is registered to Alex To. 3102 S Graham St. Seattle, WA 98108-3132. Tel. (206) 722-4610. Email: [staff@supermodels.com](mailto:staff@supermodels.com)
2. Nomination of Board Members/Officers. The Nominating Committee nominated the following new Board members to be ratified by MPA Members at the Annual Meeting June 4, 2005: Kathy Fernandez, Norman Ryan, Daniel Dorff, Dave Olsen, Marc Ostrow and Beebe Bourne. President Bourne appointed Lauren Keiser, President; Robert Thompson, First Vice-President and Secretary; Lynn Sengstack, Treasurer. Beebe Bourne will become Second Vice-President. A motion to nominate the new officers effective at the Board Meeting June 3, 2005 was approved.
3. New Member. The application of Thorpe Music Publishing was approved.
4. Sheet Music Archives in Europe. Kathy Marsh reported on an article in which it was reported that European Libraries were deposing of certain collections of sheet music, due to financial and budget constraints. She asked whether the MPA can take a proactive role in this matter. She will forward the article to the Board.

### Committee Reports

ACDA: No Report

Annual Meeting: (See Above)

Archive: (See Above)

Copyright/Licensing: (No Report)

Educations Contacts & Trade Relations: No Report

Engraving: (No Report)

Finance/Audit: No Report

International Contacts: (No Report)

Membership: (See Above)

MLA/MOLA/MPA: No Report

Performance: Jenny Bilfield reported that the next Opera America convention will feature a Publisher's Showcase on May 6, 2005. Jenny will speak on the panel.

Press/Publicity/Public Relations: (No Report)

Research/Development/New Technology: (See Above: R&D Survey)

The Meeting was adjourned 11:42 AM. The next meeting will take place on Friday, June 3, 2005, at the Metropolitan Hotel, following the Annual Meeting.