



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

Minutes of the Officers & Board of Directors Meeting  
15 June, 2005 at The Harry Fox Agency

Julie Averill (Administrator)	Present
Beebe Bourne (2 <sup>nd</sup> Vice-President)	Absent
Gene Caprioglio	Present
Daniel Dorff	Present
Louis Fifer	Present
Susan Feder	Present
Kathy Fernandez	Present
Brian Hill	Present
Lauren Keiser (President)	Present
James Kendrick Esq., Counsel	Present
Kathleen Marsh	Present
Larry Morton	Absent
Dave Olsen	Present
Marc Ostrow	Present
Peter Primont	Present
Norman Ryan	Present
Lynn Sengstack (Treasurer)	Present
John Shorney	Present
Robert Thompson (VP/Secretary)	Present

### Housekeeping & Announcements

The meeting was called to order by Lauren Keiser at 10:05am  
The minutes of the June 3, 2005 were approved as circulated.

### Treasurer's Report

Lynn Sengstack reported that the MPA will transfer from Peachtree to QuickBooks Accounting Software. The treasurer's report was approved as circulated.

### Q&A with Jacqueline Charlesworth, General Counsel, HFA

Ms. Charlesworth joined the meeting as guest, and discussed recent developments pursuant to Section 115 of the US Copyright Law, specifically the compulsory license and the movement on Capitol Hill to simplify and streamline online licensing. She discussed recent meetings between the NMPA, ASCAP and BMI to develop a uni-license solely for online subscription services (limited download, streaming, genre-based channels) such as Yahoo and Sony. There does not appear that there will be movement on legislation this year.

Ms. Charlesworth also commented on Plaintiffs in the Ory action that are challenging Columbia and BMG Record Clubs for payment for the use of musical works at less than the full statutory rate in the absence of negotiated licenses from the publishers. HFA believes that the settlement reached with the clubs is unfair and onerous to music publishers, both in the method of opting

into or out of the class action, and especially regarding the proposed future licensing practice. Instead of ending the record clubs' practice of paying publishers at a 3/4 rate (or less) without taking licenses, if the settlement goes into effect, it will establish a new website-based licensing scheme for the record clubs, which will require publishers to constantly monitor and react to proposed uses by the clubs at rates that may not even be as high as 3/4 of the statutory rate. The proposed settlement will allow CHC and BMG to list the song they intend to distribute on a website, along with the rate the club wishes to pay, without sending any notice to the publisher or its representatives. There is no floor to the rate that the clubs can propose to pay under this method. Under this procedure, the publisher has 30 days to search for and identify its song on the website and, should the publisher object to the intended use, object to the use in writing; if the publisher fails to file a written objection (or if just one of multiple co-owners of a song fails to do so) within that 30-day period, the club will be deemed to have a license at its chosen rate.

Dave Olsen commented on the need for Harry Fox to address mechanical licensing for less than 500 copies. Ms. Charlesworth noted the concern, and would address the matter within HFA.

### Old Business

Oral Histories: There is a signed contract with NAMM to conduct interviews (video taping) for the oral history project. A list of potential interviewees has been compiled and President Keiser asked the Board for additional names to be considered. Arnold Broido, Sylvie Goldstein and Stuart Pope, among others, have been completed. Marty Winkler and Henry Adler were suggested as possibilities.

Paul Revere Traveling Exhibit: Julie Averill reported that plans for the 2005-06 traveling exhibit are being scheduled.

### New Business

Membership: The goals of growing and promoting membership in the MPA were discussed. Marc Ostrow cited the necessity of streamlining the application and renewal process through the MPA website as a means to accomplishing these goals. Bob Thompson and Julie Averill will work on ways to accomplish this. John Shorney suggested being sure all new members get password and username for website. Kathy Fernandes suggested soliciting membership via email/post from a list of print publishers from JW Pepper. David Olsen suggested referencing MPA in 3rd party requests at Alfred Publications and other large publishers, or requests can be forwarded to administrator for follow up/membership solicitation. Lauren Keiser suggested a membership kit as an incentive for membership.

Copy-free Zone Program: The program, started in 1999, requested school libraries to verify that no copied music was housed in their repositories, upon which the MPA would issue a certificate of compliance. Peter Primont mentioned the Cherry Lane publication, "Music Alive", which ran a series on copyright (the magazine is published eight times per year and is sent to schools throughout the USA). Peter offered inclusion of the program in the magazine. Dave Olsen suggested giving schools a \$100 free gift certificate upon compliance (perhaps through a dealer like JW Pepper), through which music publishers would donate and replenish the stock. Marc Ostrow suggested allying with The Copyright Society during Copyright Awareness Week.

Internet Piracy: President Keiser discussed meeting with Irwin Robinson, Chairman of the NMPA. NMPA is not addressing online piracy for lyrics, sheet music downloads, or guitar tabs. David Israelite of the NMPA mentioned that the NMPA is over budget on this issue. President Keiser proposed that the MPA was the proper vehicle for addressing this particular piracy, and should be more proactive. A resolution was discussed that would enable the MPA to serve online ISPs with a notice and takedown. Kathleen Marsh suggested working directly with search engines like Yahoo and Google. John Shorney mentioned Music United, The Music Coalition, a consortium of performing rights organizations, The Songwriter's Guild, and other organizations, and that the MPA should be a part of this, as there is a need within the Coalition to address piracy within secondary and post-secondary education.

President Keiser asked for Susan Feder, Dave Olsen, John Shorney, Kathleen Marsh and Marc Ostrow to serve as members of the Copyright and Licensing Committee, which will deliver a report to the Board.

Annual Meeting: President Keiser announced that the Annual Meeting will take place on June 9, 2006 at the Helmsley Hotel. The chair of the Annual Meeting committee remains vacant.

2005 Annual Meeting Video: Bob Thompson reported that the Board had been sent links to view streaming video from the 2005 Annual Meeting. The video will be posted on the MPA's member-only section (the user ID and password are available from Julie Averill).

#### Committee Reports

ACDA: No Report. Lou Fifer will assume Chairpersonship of this committee.

Archive Committee: Eastman now has the MPA Archives, and is developing parameters for the submission of new materials.

Awards & Production Committee: Lauren Keiser will call Paul Sodowski about chairing this committee

Contribution Committee: No Report

Copyright/Licensing: No Report

Educations Contacts & Trade Relations: No Report

Engraving: No Report

Finance/Audit: No Report

International Contacts: No Report

Membership: Membership of Mountain Crest Music was approved.

MLA/MOLA/MPA: Kathy Fernandez informed the Board that JW Pepper will be present at the Annual MLA Convention.

Performance: Norman Ryan was appointed Chair of this Committee.

Press/Publicity/Public Relations: No Report

Research/Development/New Technology: No Report. Larry Morton, Dave Olsen are members of the committee. Lauren Keiser showcased a remarkable type of "uncopyable" paper, used by the State of Connecticut on its vehicle registrations and titles. He also reported on a Colorado school district that had boycotted a music dealer who had questioned the district's position that copying music as a back-up was permissible. A letter from the MPA will be sent to the school district after information has been compiled.

The meeting was adjourned at 12: 10pm.

The next meeting will take place October 20<sup>th</sup> at ASCAP.

