



Music Publishers' Association of the United States

Minutes of the Officers & Board of Directors Meeting
January 12, 2006 at ASCAP

Julie Averill (Administrator)	Present
Marco Berrocal	Present
Arnold Broido	Present
Gene Caprioglio	Present
Daniel Dorff	Present
Louis Fifer	Absent
Susan Feder	Present
Kathy Fernandes	Present
Maggie Heskin	Absent
Brian Hill	Absent
Lauren Keiser (President)	Present
James Kendrick Esq., Counsel	Present
Kathleen Marsh	Present
Larry Morton	Present
David Murray	Absent
Dave Olsen	Present
Marc Ostrow	Present
John Stix	Present
Norman Ryan	Absent
Lynn Sengstack (Treasurer)	Present
John Shorney	Absent
Robert Thompson (VP/Secretary)	Present

Housekeeping & Announcements

The meeting was called to order by Lauren Keiser at 10:05am

The minutes of the November 17, 2005 meeting were approved as circulated.

Treasurer's Report

A motion to approve the Activity Report through Dec. 31st, 2005 was approved as circulated. President Keiser requested that financial reports now be emailed to Board Members prior to each Board Meeting, and Julie Averill will do this.

Old Business

Internet MPA Web Site (Julie): There is a one month delay in launching the re-vamped website with updated membership database, on-line renewal processing, and improved functionality.

Membership Dues: Some dues are still delinquent, and a letter will be sent to those members who have not yet paid their dues.

Committee Budgets: Lauren asked for Committee Chairpersons to submit their budget requests as soon as possible.

New Business

Legal/Legislative Report (presented by Fred Koenigsberg, Esq.).

1. H.R. 1201 Digital Media Consumer's Rights Act of 2005. Members of the House Judiciary Sub-Committee signed a letter of support for rejecting H.R. 1201, a Bill introduced by Congressman Boucher. Boucher is also on the House Energy & Commerce Committee, and is attempting to reintroduce the Bill through this committee under the guise of Consumer Rights.
2. BALANCE Act: Rep. Lofgren introduced a Bill, HR 4536, entitled the BALANCE Act, a lengthy acronym the "Benefit Authors without Limiting Advancement or Net Consumer Expectations" Act of 2005. The Act would amend title 17 of the United States Code so as to safeguard the rights and expectations of consumers who lawfully obtain digital entertainment.
3. Broadcast Flag. The United States Court of Appeals for the D.C. Circuit ruled that the FCC had exceeded its authority in creating rule 47 CFR 73.9002(b) whereby "No party shall sell or distribute in interstate commerce a Covered Demodulator Product that does not comply with the Demodulator Compliance Requirements and Demodulator Robustness Requirements". A broadcast flag is a set of status bits (or "flags") sent in the data stream of a digital television program that indicates whether or not it can be recorded, or if there are any restrictions on recorded content. The court stated that the commission could not prohibit the manufacture of computer or video hardware without copy protection technology because the FCC only has authority to regulate communications, not devices that receive communications. It is possible that a higher court may overturn this ruling, or the United States Congress may get lobbied by industry interests into granting such authority to the FCC.
4. Compulsory Licenses: The three judges for the Copyright Royalty Board, were sworn on January 9, 2006. James S. Sledge has been appointed to the position of Chief Copyright Royalty Judge. Mr. Sledge recently retired as a United States bankruptcy judge in the Northern District of Alabama, where he served since 1991. Stanley C. Wisniewski has been appointed as a copyright royalty judge with expertise in economics Dr. Wisniewski, who earned a Ph.D. in economics from the Catholic University of America and a J.D. from the University of Maryland School of Law, has published widely in academic and professional journals. William J. Roberts has been appointed as a copyright royalty judge with expertise in copyright law. He was a Copyright Arbitration Royalty Panel attorney for the entire twelve-year history of the Copyright Arbitration Royalty Panel. Since its inception in May, he has served as the senior attorney for the Copyright Royalty Board.

Contribution Committee (AMC request). The request will be given over the Executive Committee. Susan Feder restated that the income from Kopinor is unrestricted, and the MPA should consider utilizing these funds to further the Mission of the MPA.

New England Sheet Music. President Keiser had received complaints from member publishers regarding the sale of illegal copies of sheet music by New England Sheet Music. President Keiser will inform those members that the MPA is investigating the matter.

Committee Reports

ACDA: No Report.

Annual Meeting: (Vacant). President Keiser stated that the Annual Meeting of the MPA is an opportunity for the MPA to reach out to other organizations (NMPA, RIAA, MENC, etc.) and raise the level of interaction between the MPA and these organizations. Members of other organizations should be invited, encouraged to attend, and be considered as guest speakers where appropriate. The following are topics being considered for the Annual Meeting

1. Motivational Speaker. This is very expensive, and may not be practical.
2. Artistic Administrators. Could be combined with MOLA speaker.
3. Digital Print. There is strong interest in this topic.
4. MOLA/MLA. Susan Feder would chair a panel of MOLA members on the commissioning process.
5. Management Training. This is a larger undertaking than is possible prior to the Annual Meeting
6. Luncheon Speaker. Steve Jobs declined to accept. The Marketing Director of iTunes was suggested (Bob Thompson will investigate). Susan Feder mentioned David Israelite as a guest speaker.
7. Legends Speak.

Archive Committee: Pres. Keiser reported that everything is going smoothly with the Archives at Sibley.

Awards Committee: No Report

Contribution Committee: Vacant (See Above)

Copyright/Licensing: Marc Ostrow and Jim Kendrick have finalized a Cease & Desist letter. Passionate discussion ensued as to what strategy the MPA should adopt to deal with illegal websites. It was decided that Marc will draft a letter based on the theory that we shall "educate" the offending Web sites about their infringing material. Members of the Board are sending their internal letters they have sent before to offenders and consumers to Marc who in turn will utilize the ideas and present a letter to Jim for approval. All this is to take place and an approved letter ready by the next Board meeting.

Educations Contacts & Trade Relations: No Report

Engraving and Production: No Report

Finance/Audit: No Report

International Contacts: ICMP will have its meeting at MIDEM, and Arnold Broido will attend.

Membership: No Report

MLA/MOLA/MPA: No Report

Performance: No Report

Press/Publicity/Public Relations: Kathy Fernandes reported that the committee identified four key publications among educators in which the MPA could take out a full-page Advertisement spread out over a one-year period. Total Advertisement cost would be ca. 23,000 per year, plus \$1000 for designing the Ads. The content and message of the Ad was debated by the Board. No decision was made.

Research/Development/New Technology: Larry Morton asked that Dan Dorff join the committee Dave Olsen volunteered to join as well.

The meeting was adjourned at 12:01pm

The next meeting will take place February 16, 2006 at Harry Fox Agency.