



Music Publishers' Association of the United States

Minutes of the Officers & Board of Directors Meeting
30 October, 2003 at Harry Fox Agency

Present

Fred Anton, 1st Vice-President
Beebe Bourne, President
Gene Caprioglio
Susan Feder
Christopher Johnson
Lauren Keiser
James Kendrick Esq., Counsel
Janna Mattson, Administrator
David Murray
Charles J. Sanders Esq., Guest
Lynn Sengstack
John Shorney
Charles Slater, Treasurer
Robert Thompson, Secretary
Todd Vunderink

Excused

Jan Ausfahl
Jennifer Bilfield
Arnold Broido
Tom Broido, 2nd Vice-President
Aida Gurwicz
Larry Morton
David Murray
Lee Paynter

Housekeeping and Announcements

The meeting was called to order at 10:05AM. The minutes of the 04 September, 2003 meeting were approved as circulated.

Treasurer's Report: Charles Slater reported that dues from memberships are starting to be received. The MPA's membership in ICMP was renewed. A motion to approve the treasurer's report as circulated was approved.

Old Business

American Music Center: A motion to approve a donation of \$5000 was tabled until the December meeting.

Press, Publicity and PR: President Bourne asked that Lynn Sengstack and Jennifer Bilfield form a committee to set PR goals for the MPA. Lauren Keiser asked that the committee consider the mission statement of the MPA with respect to those goals. In light of the discussion concerning the proposed American Music Center grant, it was decided that grant making policy be a component of this committee's discussions.

Lynn Sengstack asked the MPA to consider where its ads should be placed (American Music Teacher, IAJE Jazz Journal, NATS, MENC, Choral Journal, etc.) Lauren Keiser suggested that advertising include state magazines. Todd Vunderink suggested that the MPA counterbalance its "don't copy" ads with a positive message. Gene Caprioglio suggested that the MPA consider a known spokesperson to be featured in its ad campaigns (Wynton Marsalis was mentioned as a possibility).

A motion to approve Sengstack's proposed budget of \$20,000 for advertisements was approved, subject to final approval by the Executive Committee.

Paul Revere Awards: Charles Slater reported that the traveling exhibition of the Paul Revere Award winners has not traveled recently. Fred Anton will coordinate future tours. Bob Thompson suggested creating a virtual traveling exhibit as part of the MPA's website.

MPA Archives/University of Maryland: There is still no agreement with the University of Maryland. President Bourne asked Jim Kendrick to contact Mr. Bruce Wilson at the University of Maryland requesting contact with the university's counsel to finalize the agreement.

Copyright Guidelines: The final version of the Copyright Guidelines was approved. A motion to approve the inclusion of the Guidelines on the joint MENC/MTNA/MPA Website was approved. A motion to allow Jim Kendrick to review an outline brochure of the Guidelines was approved.

Midwest Clinic: Lauren Keiser reported that the booths for the Midwest Clinic are sold out, and that the MPA is on the waiting list. President Bourne asked that exhibiting MPA members consider allowing the MPA to place materials at their respective booths.

Update of Website: There was no further information on who would be responsible for updating the MPA Website. At the last meeting, Kendrick and Bilfield were asked to provide contacts.

New Business

Legislative Update: Charles J. Sanders from Harry Fox reported that the RIAA series of lawsuits against illegal file sharers appeared to go well. The press reporting was, on a whole, balanced, although he mentioned that Sen. Norm Coleman of Minnesota felt that the RIAA's tactics were too stringent. Pressure from Sen. Coleman resulted in the

RIAA's decision to send out letters to illegal file sharers before commencing with a second round of lawsuits.

Sanders reported that there exists a wide variety of complex options for downloading music, despite the inroads made by Apple I-Tunes to simplify the process.

President Bourne mentioned that Mr. Cary Sherman will address the AIMP on November 20th at the Princeton Club, discussing the status of the RIAA's legal actions and legislative efforts to combat peer-to-peer piracy, and their goals as they will affect the music industry as a whole.

CARP Reform: On March 25, 2003, House Subcommittee on Courts, the Internet, and Intellectual Property Chairman Smith (R-TX) and ranking Democrat Berman (D-CA) introduced CARP reform legislation (H.R. 1417). As currently drafted, the legislation would replace Copyright Arbitration Royalty Panels ("CARPs") with three full time Copyright Royalty Judges appointed by the Librarian of Congress but whose decisions would be independent from the Librarian.

11th Amendment; On June 6, Representatives Smith (R-TX) and Berman (D-CA) introduced H.R. 2344, the Intellectual Property Protection Restoration Act. This legislation addresses a series of 1999 Supreme Court decisions that have cast doubt on the continued viability of existing provisions of the Copyright Act that serve to abrogate state immunity from suit for monetary damages in copyright infringement cases. The Court's decisions have had a chilling effect on the ability of copyright owners to pursue infringement claims against state agencies or other instrumentalities.

Capital Connect: Sanders reminded MPA members that they can access the NMPA's Capital Connect (<http://www.nmpa.org/CapitolConnect.html>) to obtain all current legislative issues related to the music industry, as well as contact information for elected officials.

New Member Applications: No new member applications were received.

Annual Meeting: President Bourne suggested that the Annual Meeting focus on Copyright and Licensing issues. The following issues were discussed as possible focus for panels/invited speakers:

- Synchronization Licenses
- Video on Demand
- DVD Licensing and Lyrics
- New Media Licenses
- Live Performances
- Educational Licenses
- Grand Rights
- Mechanical Licenses/Ring Tones

President Bourne is asking for an MPA member to work with Carolyn Kalett in planning this meeting.

Lauren Keiser suggest that the MPA sponsor a professional seminar on either a marketing or advertising topic (i.e., direct mail, space ads, modern theories of advertising, along with selling and negotiation process. The idea is to provide our members with advice and education

one could get if they enrolled for a day professional seminar or training session.

Music Coalition: It was discussed whether the MPA should join the Music Coalition. President Bourne suggested that the MPA did not stand to gain from membership in this organization.

Committee Reports

ACDA: No Report. Christopher Johnson mentioned the opportunity for the MPA to meet with ACDA review staff for information on review procedures. President Bourne asked that Johnson meet with ACDA and ask for a report on behalf of MPA as to review guidelines.

Annual Meeting-Local Arrangements: No Report

Annual Meeting-Program: No Report

Archive Committee: No Report. Lynn Sengstack submitted a bill for the archivist.

Paul Revere Awards: No Report

Copyright/Licensing: No Report

Educational Contacts & Trade Relations: See "Midwest Clinic" above.

Engraving: No Report

Finance/Audit: No Report

International Contacts: No Report

MPA/MLA/MOLA: No Report

Membership Committee: No Report.

Performance: No Report

Press/Publicity/Public Relations: See "Press, Publicity and PR" above.

Research/Development/New Technology: No Report

The meeting was adjourned at 12:15PM. The next meeting will take place on December 11th at BMI.