



MUSIC PUBLISHERS ASSOCIATION *of the United States*

Minutes of the Officers & Board of Directors Meeting
April 16, 2009 ASCAP

Brittain Ashford (Administrator)	Present
Marco Berrocal	Absent
Carl Bornmann	Present
Craig Cornwall	Absent
Steve Culbertson	Present
Daniel Dorff	Absent
Kathy Fernandes	Present
Lauren Keiser (President)	Present
James Kendrick Esq., (Counsel)	Absent
Kristin Lancino	Absent
Steve Manus	Absent
Kathleen Marsh	Present
Roger McClean	Present
Dave Olsen	Absent
Marc Ostrow	Present
Norman Ryan	Absent
Jeff Schroedl	Absent
John Shorney	Present
Todd Vunderink	Present

Committee Chairs

Craig Cornwall, Finance Chair	Present
Dave Olsen, Membership Chair	Absent

Call to order and announcements (Keiser) – 10:05 am: Lauren Keiser announced to the Board that seven candidates declined to take over the presidency of the MPA. He said that he would be willing to stay on as acting president until a suitable candidate can be found. Marc Ostrow made a motion to create the position of Acting President, which was seconded by Roger McClean. John Shorney amended the motion to say that this position was not to exceed one year from the upcoming annual meeting. James Kendrick, via telephone approved the legality of this motion. The motion passed with a unanimous vote.
Approval of Minutes from February Meeting – Approved as submitted.

Treasurer's Report - Approved as submitted. A unanimous vote was taken to continue paying the NMPA \$1000 per month to send notice and takedown letters to websites that are hosting illegal sheet music.

Old Business

MPA Survey: Lauren Keiser announced that Hal Leonard has declined to participate in the sheet music research survey that is proposed by the MPA. Because Hal Leonard sells such a large percentage of the sheet music in the US, the survey would not be representative of the

market without them. Lauren said that he would have another conversation with the management of Hal Leonard to convince them to join.

MENC/MTNA/HFA Blanket License: Lauren Keiser reported that both Alfred and Hal Leonard have agreed to participate in the new MENC licensing program created by the MPA and HFA. The Board encouraged him to continue discussion with HFA to determine the appropriate fees charges to individual educational institutions. It was reported that there are more than 700,000 individual works that will be represented in the HFA database.

New Business

Annual Meeting: Lauren Keiser announced that the June 5, 2009 annual meeting of the MPA is set to take place at The Harvard Club starting with breakfast and registration at 9:00 AM and ending with a cocktail reception at 4:00 PM and the MPA Board Meeting at 5:00 PM. The announced list of speakers are Thad McIlroy speaking on The Future of Publishing, Ger Hatton the Executive Director of the ICMP, Fred Koenigsberg, ASCAP Counsel, Gary Churgin, CEO of HFA and Gary Ingle, CEO of MTNA and a panel discussion on the future of print publishing. It was agreed by the Board that the admission price for the event should remain at \$100, which is approximately the breakeven point for the MPA. Lauren also announced that Orrin Hatch has accepted this year's Arnold Broido Award and will send a video presentation of his acceptance speech.

MPA Annual Achievement Award: The Board has decided not to present an achievement award at this year's meeting.

Golan vs. Holder: Laura Stevens, Esq., of the Law Offices of Jim Kendrick presented a report that explained the key issues in the Golan vs. Holder case. She reported that in a holding published on April 3, 2009, Judge Babcock reversed his earlier finding that the First Amendment was not applicable to resurrecting foreign copyright claims. The position now is that "In the United States, that body of law includes the bedrock principle that works in the public domain remain in the public domain. Removing works from the public domain violated Plaintiffs' vested First Amendment interests." Judge Babcock found that aspects of the 1994 [Uruguay Round Agreements Act](#), which brought some works whose copyright had lapsed back under copyright, thus violates the First Amendment. However, further appeals by copyright owners are expected.

Google Settlement: Laura Stevens, Esq., of the Law Offices of Jim Kendrick presented a report that explained the key issues in the Google settlement and how they affected music publishers. It was explained that sheet music publishers who publish full scores of music will not be compensated, but book publishers that include musical excerpts are eligible under the agreement. The settlement is complex and is 141 pages long. The complete settlement document can be found at <http://www.googlebooksettlement.com/intl/en/>.

Copyright Lectures & Tour: Lauren Keiser had asked Marc Ostrow to speak on behalf of the MPA on the subject of copyright education and advocacy. Marc told that Board that because he is currently free of professional obligations and he is an attorney with a music publishing background, he is ideally suited to speak on such matters. The Board discussed the

idea of having a paid professional as a spokesperson for the organization, who also acts as a liaison with other copyright oriented groups. No decision was made, but the Board agreed to continue the discussion.

Proposed 2009-2010 Board Dates:

September 24, 2009
October 22, 2009
November 19, 2009
January 14, 2010
February 18, 2010
April 8, 2010
Annual Meeting: June 4, 2010

Committee Reports

Annual Meeting – Lauren Keiser. See report above.

Contribution – Roger McClain, Todd Vunderink. No report.

Copyright and Licensing – Marc Ostrow. No report.

Educations Contact and Trade Relations – Lauren Keiser. See MENC report above.

International Report – Lauren Keiser reported that Sweden has passed a law on April 1st, 2009 that requires ISPs to release the names and addresses of users that illegally download copyrighted material. It was reported that illegal internet usage since that law passed is down 40%.

Engraving/Production – Dan Dorff, Todd Vunderink. No report.

Finance/Audit – Carl Bornmann. No report.

Membership Report – Dave Olson– Dave Olson reported through Lauren Keiser that he was going to recruit all RPMDA member publishers to become members of the MPA.

MLA/MOLA/MPA – Dan Dorff, Todd Vunderink, David Flachs. It was reported that the MPA was represented at the MOLA ‘Breakfast for Composers’ panel discussion at the April 16th MOLA meeting.

Performance – Norman Ryan. Report submitted.

Press/PR/Pub – Kathy Fernandes/Kathleen Marsh/Craig Cornwall. Round four of the new MPA logos were distributed and discussed. Agreement was reached on the font and image and Kathy Fernandes was given permission to work with the designers to create the templates for the final logo.

Research/Development/New Technology – Steve Manus, Steve Culbertson. No report.

Paul Revere Awards– Brittain reported that submissions for the Paul Revere awards were very light and encouraged all Board members to submit their music as soon as possible.

The meeting was adjourned at 12:00 pm.

Respectfully submitted,
Kathleen Marsh, Secretary