



Music Publishers' Association of the United States

Minutes of the Officers & Board of Directors Meeting
January 10, 2008 at the ASCAP Offices.

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

Committee Chairs

Craig Cornwall, Finance Chair	Absent
Brian Hill, Membership Chair	Absent

Call to order and announcements (Keiser) - 10:20am

Approval of Minutes for November 2007 Meeting Approved as submitted.

Treasurer's Report. Approved as submitted.

Old Business

Lifetime achievement awards

Lauren Keiser formally announced that there will be two awards granted at our annual meeting. Both posthumous, one will be awarded to Arnold Broido and one to Sandy Feldstein. The MPA will also publicly recognize Lynn Sengstack's award from last year. The MPA will do this every year to recognize someone within the publishing industry.

Lauren also brought up the *Arnold Broido Award for Copyright Advocacy* as an award to be given someone outside the industry who does not have it in their job description to protect copyright. This would be an opportunity for us to have someone viable outside the industry bring visibility to the MPA. Dan Dorff motioned to have the board approve the *Arnold Broido Award for Copyright Advocacy*, to be presented to someone, outside the industry, at our annual meeting. The motion was unanimously

approved. Mary Beth Peters was nominated to receive the first award. The motion was unanimously approved.

Pamphlets

Kathy Marsh suggested that the “MPA & You” pamphlet be taken on by the design firm that did our campaign from last year. This will be something in line with our “brand” that we can send out and have at conventions.

New Business

Golan vs. Gonzales, Kahle, “Lead Singer” case

In legal news, Nancy Mertz, in place of Jim Kendrick, filled the board in on the latest legal news of note.

In December the MPA signed on to a lawsuit that was challenging the copyright term extension act (Golan vs. Gonzales). In short states that Congress has the power to extend copyright. The plaintiffs in this case were stating that somehow this infringed on their right to free speech. The tenth circuit court honored this argument and the case was sent back to district courts for consideration. There was an effort to get the full panel of the tenth circuit to hear the case, but the request was not granted. The case should go back down to the district courts unless the government appeals. There is a possibility that this will happen, but it is unclear.

In a similar case, Kahle, regarding term extension and “orphaned works”—the ninth circuit heard the case and decided that the copyright extension act is constitutional, as the Supreme Court already voted. The plaintiffs are trying to get the Supreme Court to hear the case again.

The “Lead Singer” case, regarding juke-box systems that hook up to televisions, revealed that if you get a mechanical license for those works that it does not cover the lyrics that appear on the tv. Ninth circuit declared that one would still need a print or sync license to display those graphics. The case was thrown out. This rule applies to all Karaoke cases.

If anyone would like further info on the cases they may contact Nancy.

NMPA grant to assist in tab takedown

In June of last year, while attending the NMPA annual meeting, Lauren Keiser was approached by David Israelite regarding the financial burden of the NMPA tab takedowns. After some discussion, the NMPA decided that they would be exceptionally happy if the MPA would contribute \$1000 a month to combat the tablature takedown. There was a motion to grant the NMPA \$1000 to assist. All approved.

Carl Bornmann

Lauren Keiser nominated Carl Bornmann, of Music Together, to take a seat on the board as well as the post of MPA treasurer. All approved.

Committee Reports

ACDA – No report.

Annual Meeting – Lauren Keiser. The board approved \$8000 to have Michael Rogers, the Practical Futurist, speak at our annual meeting. We will also invite Mary Beth Peters to be our afternoon speaker.

Finance/Audit – Craig Cornwall. No report.

Awards and Production – Paul Sadowski. No report.

Contribution – Roger McClain and Todd Vunderink. The AMC has asked for a \$10,000 grant from the MPA, though it had been decided that the MPA would give them the money only if it were specifically for

copyright awareness programs. Todd pointed out that planning such programs would need to happen before their fiscal year. There was discussion of subsidizing Jim Kendrick's costs through the AMC for educational sessions.

Copyright and Licensing – No report.

Educations Contact and Trade Relations – Lauren Keiser. No report.

Engraving/Production – Dan Dorff, Arnold Broido, Paul Sadowski. No report.

Finance/Audit – Craig Cornwall. Carl Bornmann will start the process of changing the signatories on our Chase accounts.

International Contacts – Lauren Keiser. Lauren will attend the meeting in MIDEM on behalf of the MPA. Lauren was elected to the ICMP board, along with Ralph Peer to represent America. The board is made up of 10 MPAs from MPAs all over the world. At present, there is a move to replace Jenny Vacher, who was serving as the Secretary General, lobbyist, and PR person. The board decided to create three different positions, rather than just the one. Jenny will most likely be kept on as legal council, but the board is actively seeking to fill the other two positions. They may use the same lobbyist that the IMP (pop publishers) are using. As a European based organization, the Europeans are very concerned with the matter as the European Union Commission is demanding that publishers figure out a way to license from one country for the entire EU or face a fine of 20% of all revenue. At our next meeting Lauren will give a full report on news from MIDEM.

-While in Beijing, Shanghai, and Moscow, Lauren met with all the Russian and Chinese publishers and urged them to form their own MPAs. Within a year, it is the hope that the ICMP will be able to bring China and Russia into their organization.

Membership Report – Brian Hill. Sher Music put in an application for membership. The board approved membership unanimously.

MLA/MOLA/MPA – Dan Dorff. No new report. Then next committee meeting will be in May.

Performance – Norman Ryan. There was a very successful panel presentation at Chamber Music America in January on the commissioning and programming of new music. Composer Christopher Rouse, the Calder Quartet, Victoria Roth, and Mary Lou Aleskie were part of a panel organized and moderated by Norman. The Calder Quartet played excerpts from Rouse's String Quartet No. 1 and the collaborative process between composer and performer were points for discussion. There was wonderful feedback from participants and the suggestion was made that this type of session be brought to Boards of Directors of orchestras and other performing organizations to encourage the incorporation of more new music and composers in programming schedules. This might perhaps be a program that is jointly sponsored by the MPA and the AMC.

-Norman is now working on a meeting of the committee with the League, Opera America and Dance USA in preparation for the upcoming National Performing Arts Conference in Denver in June.

Press/PR/Pub – Kathy Fernandes/Kathleen Marsh/Craig Cornwall. Kathy Fernandes stated that we will be moving forward with our new campaign. She also stressed the importance of getting our next MPA brochure into a grab bag for music conventions. The goal is to have the new campaign complete by April.

Education Contact and Trade Relations – Lauren Keiser. No report.

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

The meeting was adjourned at 11:45 pm.

Respectfully submitted,
Kathleen Marsh, Secretary