



Minutes of the Officers & Board of Directors Meeting  
Wednesday, December 4, 2013 at the offices of ASCAP

Brittain Ashford (Administrator)	Present
Katie Baron (Legal Counsel)	Present
Marco Berrocal	Absent
Eugene Caprioglio	Present
Carol Cuellar	Present
Steve Culbertson	Present
Daniel Dorff	Present via phone
Kathy Fernandes	Absent
David Flachs	Present
Sean Flahaven	Absent
Evan Hause	Present
Lauren Keiser	Absent
Jim Kendrick. (Legal Counsel)	Absent
Sonya Kim	Present via phone
Kathleen Marsh (President)	Present
Zizi Mueller	Absent
Erin Rogers	Absent
Norman Ryan	Absent
Jeff Schroedl	Present via phone
John Shorney	Present
Todd Waldman	Present

Todd Vunderink of Peermusic was also present at the meeting.

### **Call to order (Marsh) – 10:07AM**

**Approval of Minutes** – John Shorney noted that “NMPA” under the Digital Piracy report should actually read “Pianofiles”. Under the ICMP report, wording was changed for clarity: “To date they have collected three million pounds for private copying... He suggested that it might be possible to license schools in the US.” Approved as amended.

**Treasurer’s Report** – Approved as submitted.

### **Old Business**

#### **Report from NMPA Program**

Kathleen Marsh reported that the NMPA Program has made great progress. The attorney working with the NMPA, Natalie Madaj, is wholly dedicated to the project and has been in constant contact with the MPA.

Natalie provided the Board with an update via email (included in folders) as to what sites are being focused on based on their location and US traffic. Currently the focus has been on scribd.com, noteflight.com and musescore.com. Kathleen stated that they system has taken a little bit of time to be as efficient as possible, but that the process is now working smoothly. Kathleen urged everyone at the table to sign on to the Agency Agreement with the NMPA so that we may look for their work. Brittain added that once the agreement has been executed that publishers should pass key, unique composers and lists of top selling titles so that the MPA may seek out these titles on illegal sites.

Kathy and Brittain also reported that work is being taken down from these sites when submitted, especially scribd.com, as it is backed by venture capital. Kathy remarked that there is still a problem of alternate illegal titles actively being marketed to users via email once a piece has been removed. While musescore.com has been removing content, generally the same content will show up the following day under a different URL.

Daniel Dorff suggested that maybe we were spending too much effort on this, Kathy countered that it's all we can do, as the responsibility is on the publisher to have illegal material removed. Until the language of the DMCA is reworked, this is the one avenue we can take to have work removed.

It was suggested that an online session could be led on how to efficiently track and record these URLs. Todd Waldman suggested that perhaps it could be good to lead a workshop at the Annual Meeting, the Board agreed. Kathy remarked that while the work is not difficult, it is tedious.

Jeff Schroedl asked if there was a plan to extend this work to additional sites, Katie Baron didn't see why not. Since it's more about the number of titles being sent, the specific site we are sending them to shouldn't be an issue. David Flachs suggested that we have an automated system to search and send notices. Since material is user-posted there are too many variations and omissions of information that cannot really be tracked by an automated system. Kathy asked Jeff about the company he had used, Guardian. Jeff stated that the success rate was good but that they were not inexpensive. Jeff stated that he could present more information at the next meeting.

### **Letter to the Library of Congress**

Katie Baron presented a draft of a letter to the Library of Congress regarding the mandatory deposit requirement. The Board discussed the draft and made a few minor changes for clarity. [Attached] The revised draft will be sent to the Board via email for final approval.

### **New Business**

**Annual Meeting:** the Board discussed the idea of a concert, which would facilitate a relationship between publishers and writers. The Concert could be free to those who are registered for the day. Todd Vunderink mentioned that the League conference will happen at the same time as the Annual, and thus a conflict as far as a concert is concerned. It was also suggested that the Annual be held in tandem with the NMPA Annual, which happens the following week. Both of these will be explored for next year.

The Board discussed possible speakers, including Paul Williams and Fred Koenigsburg. It was also suggested that perhaps the MPA could host a *History of American Publishing* speaker or panel and/or a panel to guide publishers through various digital takedown efforts.

Brittain has narrowed down the venue to a handful of options, pending availability and associated costs.

### **Committee Reports**

**Annual Meeting:** See report above.

**Contribution:** No report.

**Copyright and Licensing:** No report.

**Curriculum:** No report.

**Digital Piracy/Tech:** See NMPA report above.

**Educational Contacts & Trade Relations:**

**Finance/Audit:** No report.

**History:** No report.

**ICMP:** Kathleen Marsh reported that no progress had been made on the Pianofiles effort, Nigel Gilroy, counsel for the ICMP, will be interviewing several law firms to discuss what can legally be done to deal with Pianofiles. Once a law firm is selected, some legal action will be taken, which is anticipated to cost a great deal.

President Marsh also reported that she has been asked to participate in a panel that is exploring micro-licensing for small sites producing derivative works. She stated that there is some controversy within the ICMP regarding this topic, though Swedish and Danish MPAs are very eager to make these licenses happen. The Micro-Licensing Working Committee will meet at Frankfurt to discuss possibilities.

**Engraving/Production/Revere:** Daniel Dorff and Revere Chair Robert Sutherland made some minor changes to the language in the Revere Awards application. These changes were presented to the Board. Due to time restrictions, the Board was asked to review these changes and send any questions or concerns to Brittain.

**Membership:** No report.

**MPA/MLA/MOLA Joint Committee:** Daniel reported that the next meeting will take place May 2-5 in Miami.

**Nominating Committee:**

**Performance Committee:** No report.

**Press/Publicity:** No report.

The meeting was adjourned at 12:15

Respectfully submitted,  
Brittain Ashford, MPA Admin, on behalf of  
Sonya Kim, Secretary