



Minutes of the Officers & Board of Directors Meeting
Friday, June 06, 2014 at Eastside Marriott
MPA Annual Meeting

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

David Murray of Subito was present in Steve Culbertson's absence and Mendy Varga of Kendor was present as a new Committee member. Robert Kasunic from the Library of Congress/Office of Copyright also joined the meeting mid-way for a presentation.

Call to order (Marsh) – 9:02AM

Kathleen thanks everyone for being prompt as there were many things to work through.

Approval of Minutes – Approved as submitted.

Treasurer's Report – Erin Rogers gave a brief annual report. She reported that Kopinor funds arrived early, before the end of our fiscal year, thus the funds looked to be twice what we anticipated in the *Budget vs. Actual* statement. Otherwise all funds were coming and going as normal. The report was approved as submitted.

Old Business

There was no old business to discuss.

New Business

School Copying: Lauren Keiser gave a report on School Copying in Europe, reporting that the MPA-UK has just initiated a license to monetize copying in educational institutions, the *Schools Printed Music License*.

To date the MPA-UK has licensed 40% of England and collected three million pounds. They are dividing it up among the publishers according to market share. Lauren stated that if the MPA could do such a program in the United States that it could raise millions of dollars for the copying that is *already taking place*. Kathleen Marsh supported the creation of sub-committee to discuss the program further.

Kathleen Marsh, Sean Flahaven, Carol Cueller, Jeff Schroedl and Mendy Varga volunteered to sit on this committee; the Board opted to have the initiative be a sub-committee of *Copyright & Licensing*.

Columbia Cravath Copyright Clinic: (see inclusion in June folders) John Shorney, via CMPA, passed along an informational handout regarding the Columbia Cravath Copyright Clinic. Through this initiative, Columbia law school students, under the supervision of Cravath attorneys David Marriott and David Kappos, will provide pro bono legal counsel to individuals and small businesses on copyright cases. The goal of the program is to teach trial skills to students in the context of copyright disputes.

Mandatory Deposit Requirement

Robert Kasunic from the Library of Congress/Office of Copyright joined us in response to a letter sent on behalf of MPA members addressing concerns regarding print-on-demand and the Copyright Office mandatory deposit requirement. The MPA letter, sent in April of 2014, requested an exemption for on-demand works that would be laborious and expensive to print and submit.

Mr. Kasunic talked at length regarding the library's historical inability to accept works digitally. He reported that under section 407 there is a mandatory requirement of two copies within three months. While there are some sanctions, such as exemptions for online-only works, these regulations are just now changing.

He stated that the last time regulations were changed was 1984 and that when Congress was thinking about the deposit requirements there was no thought about a digital environment. He then raised the concern about the deposit of digital materials and how they might be distributed within the library or even outside the library.

Kathleen Marsh asked if it was an issue of budget, Mr. Kasunic responded that, "the primary concern of publishers was that they are unwilling to digitally deposit for fear of how it might be made available to the public."

Adding to the discussion, Daniel Dorff stated that the high fee for the Mandatory Deposit Requirement was prohibitive for many small publishers and self-published works.

President Marsh stated that there should be ongoing communication in the coming year as we address practicalities and necessities and that the MPA would like to continue to be in touch regarding the matter.

Committee Reports

Annual Meeting: Kathleen Marsh stated that the day was shaping up to be very engaging and interesting, she thanked Brittain for her work for the event.

Contribution: No report.

Copyright and Licensing: See report above in *New Business*.

Curriculum: No report.

Digital Piracy/Tech: Natalie Madaj will be giving a full presentation during the morning session regarding the MPA's efforts with the NMPA.

Educational Contacts & Trade Relations: Kathleen Marsh reported that Midem is moving their annual event to the first week of June which conflicts with the MPA Annual as well as the NMPA Annual. Brittain will connect with the appropriate parties to offer alternative scheduling.

Lauren Keiser reported that the RPMDA has changed their bylaws to allow publishers to be full voting Board members. It was the first convention in his recollection that the publishers outnumbered the dealers.

Over all he said it was a good meeting, though it felt a little more like a meeting for publishers rather than dealers and that the changing climate for retailers was palpable.

Lauren also reported that the MTNA finally was able to sort out their issue with the Federal Trade Commission by having each state negotiate a consent decree. The consent decree followed a year-long investigation into the MTNA Code of Ethics. The Code, which is not enforced by MTNA, contains one provision that encourages members not to solicit students from other music studios. The FTC believes that this restriction somehow blocks competition. Choosing not to fight the government, MTNA removed the solicitation restriction from its Code of Ethics and agreed to enter into a consent decree to settle the FTC's claims.

History: Kathleen Marsh reported that Lauren would be sharing part of an eleven-page document that has been shared by Dr. Maria Cristina Fava, Assistant Professor of Musicology at the Eastman School of Music. This initial document is the culmination of Dr. Fava's research on the history of the MPA and music publishing in America.

ICMP: Lauren reported that the GRD, Global Repertoire Database, is dead. He stated that publishers were going to move forward without PROs. Kathleen asked if there were enough resources amongst publishers to accomplish the task. Jim Kendrick stated that there has been some discussion of US PROs creating a North American database.

Lauren also announced that as of December Pianofiles claims that they will shut down.

Engraving/Production/Revere: No report.

Finance/Audit: No report.

Membership: Once again OnlineSheetMusic was presented to the Board. It was decided that a vote could not be reached until the MPA membership voted on a by-laws change that would occur later in the day. The application was tabled until the fall.

MPA/MLA/MOLA Joint Committee: David Flachs reported that at the last Joint Committee meeting the difference between the MOLA and MLA constituency-- they are very different groups, one thing that everyone is concerned with is digital delivery in the future. MLA wants digital due to space restrictions while MOLA wants paper.

Nominating Committee: Zizi Mueller of Boosey & Hawkes has been in touch with Kathleen Marsh regarding Boosey's seat on the MPA Board. It seems that at this time their appointed representative, Bill Gaden, is not able to fulfill the duties of an active Board member. Zizi would still like to see Boosey represented on the Board. The Board opted to table further discussion until the fall.

Performance Committee: Jim Kendrick reported only that Norman Ryan could not be present due to his obligations with the League of American Orchestras conference out west and that all planned activities for both the League and Opera America will proceed as scheduled in the coming days/weeks.

Press/Publicity: No report.

Before the meeting ended President Marsh praised MPA admin, Brittain Ashford, for her outstanding work throughout the year. In addition to her daily work she also economized a great deal to save the organization several thousand dollars. Kathleen opened up discussion to give her at least a 5% raise. After some conversation the Board opted to give her a \$5 an hour raise and plus an additional insurance stipend, as previously approved.

The meeting was adjourned at 10:10AM.

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