

**MPA Board of Directors Meeting  
Thursday, September 21, 2006  
ASCAP 10:00 am – 12:00 pm**

**Attendance**

Julie Averill (Administrator) Present

Board Members

Marco Berrocal	Absent
Steve Culbertson	Absent
Daniel Dorff	Present
Louis Fifer	Absent
Susan Feder	Present
Kathy Fernandes	Present
Lauren Keiser (President)	Present
James Kendrick Esq., Counsel	Present
Kathleen Marsh	Present
Roger McClellan	Absent
Dave Olsen	Present
Marc Ostrow	Present
Norman Ryan	Present
Lynn Sengstack (Treasurer)	Absent
John Shorney	Present
Todd Vunderink	Present

Committee Chairs

Arnold Broido, Finance Chair	Present
Brian Hill, Membership Chair	Present

**Call to order and announcements (Keiser) – 10:06 am**

President Keiser announced that Bob Thompson has resigned from the MPA Board due to his resignation as President of Universal Edition and current direction out of the music publishing business. He called on the board to submit ideas for a new Secretary/First V.P. at the October board meeting.

Dave Olsen reports that he is no longer full time at Alfred, and is now working as a consultant. He is also now a professor at Berklee College of Music, teaching an online course on copyright for composers and songwriters. He will remain on the board.

**Approval of Minutes for Annual Meeting**

Approved as submitted.

**Treasurer's Report (Sengstack)**

Approved as submitted. Jim Kendrick suggests reports in landscape format.

**Brief on music publishing-related copyright matters**

ASCAP General Counsel Fred Koenigsberg reported on the current legislative battle over the Section 115 Reform Act ("SIRA"). The subject matter of this legislation is mechanical licensing for digital phonorecord (i.e., audio-only recordings) deliveries via Internet music services

At the board's last meeting in June 2006, David Israelite of the NMPA had reported that the House Intellectual Property Subcommittee favorably reported the bill to the Judiciary Committee.

Since then, throughout summer 2006, disputes have arisen over issues addressed in SIRA. There are three clusters of disputes between –

1. Publishers and songwriters
2. Copyright community (writers, publishers, performers) and broadcasters
3. Copyright community and recording industry

Overview of SIRA structure –

Digital music services would be entitled to a blanket license for mechanical rights. These rights must be licensed through a designated agent, not by individual publishers. This will replace the current practice of having mechanical rights licensed by the record companies under the NMPA-RIAA agreement.

A general designated agent will be established by publishing entities that represent the greatest share of i.e, the Harry Fox Agency) and any publisher or group of publishers with at least 15% of the market share can establish their own designated agent. Rates for these mechanical licenses will be set by the copyright royalty board.

The board of directors of the general designated agent will consist of 5 individuals – 3 representatives of the publishing industry, and 2 songwriters/composers who are to be chosen by the Register of Copyrights.

Issues Raised with SIRA:

1. Publishers and songwriters –

Dispute over equal numbers of writers and publishers sitting on resolution committees was resolved.

It was resolved that the designated agent will have the ability to use funds received for use of costs other than operating (lobbying, etc.).

2. Copyright community and broadcasters (e.g., Clear Channel)

Digital uses on internet divided into four categories

1. Non-interactive streams – radio simulcasts or radio-like broadcasts on internet (real time; user does not have control of content of broadcast)
2. Interactive stream – transmission of individual musical works on demand by user; no ability to store on user devices (e.g., computer, music player)
3. Limited download – stored on user devices - limited in that it can only be played certain number of times, or remain available on user devices for a specific amount of time.
4. Full download – no limitation on number of plays or time of availability.

Dispute over incidental uses (buffer copies) – Clear Channel and other broadcasters do not want to pay mechanical rights for incidental copies made in the course of non-interactive streaming).

It was resolved that mechanical licenses will be issued and royalties paid for 2, 3, and 4. There will be a gratuitous mechanical license for 1.

3. Copyright community and recording industry

The recording industry wants to include in the legislation a requirement that upon notice from a record label, the designated agent would have to pay directly to the label any amount of unrecouped singer/songwriter advances that could be recouped from mechanical royalties under the label-artist agreement. Under the current NMPA-RIAA agreement, the labels collect the mechanical royalties so they are able to effect this recoupment themselves. They are concerned that under the proposed structure described above, mechanical royalties will be collected by the designated agents of the publishers, and did not want to be at risk that the designated agent might not pay over the mechanical royalties as required. The publishers did not want such a provision to be put into the legislation and wanted the labels to rely on the general obligation on the designated agent to comply with any notice given in accordance with a label-artist agreement.

Last week the copyright community submitted an offer of compromise which was rejected by the record companies.

Letters were sent in in opposition to the copyright community, including a letter from the National Association of Broadcasters. It is important to note that the NAB issues regarding the payment of mechanical royalties for non-interactive streaming uses were resolved, so this particular opposition appears to bring the disputes back to stage one. In addition the last iteration of the bill was combined with the orphan works legislation, which faces much opposition. It appears that it will be almost impossible for the House and Senate to vote on this bill before Congress recesses for the mid-term election campaign.

## **Old Business**

### **I. Oral Histories**

It was reported by Julie Averill that Dan Fiorentino inquired during the summer as to the MPA's goals for the Oral Histories Project. It was reported by Arnold Broido that MPA's goals at the start of the project were to acquire as many histories as we could and then decide what to do with them. The next phase of the project will involve a presentation at the MPA Annual Meeting in 2007.

### **II. Internet Piracy**

President Keiser reported that 8 sites have been shut down due to the combined efforts of NMPA and MPA along with the NMPA's law firm. One thorn is that a particular Russian site is getting many thousands more hits now that we shut down its competition. A company with the acronym ROMS is the Russian version of digital licensing firm. President Keiser traveled to Moscow last week, discussed issues with US Embassy and the Russian Society of Composers, Authors, and Publishers. They explained that ROMS is run by gangsters, though they are chartered and susceptible to legal confrontation. These parties recommend that we ask for identifications and certificates from ROMS and the websites proving rights to offer the material. Arnold Broido suggested that perhaps it is a trade matter and that MPA could get help from Washington through David Israelite at NMPA. President Keiser will look further into this situation.

## **New Business**

### **I. NMPA Membership**

It was suggested that we offer the benefit that anyone who joins MPA could become an automatic member of NMPA. We could offer this as a benefit for members, in an effort to increase numbers of smaller members.

Jim Kendrick suggested that MPA needs to look at a comparison of members and the levels of their financial contributions.

The question was raised whether or not present members would receive the benefit as well. Arnold Broido suggested that this was fair, and that their NMPA membership could be paid upon dues renewal. It was resolved that this would be an introductory offer only, for one year only. Julie Averill will prepare figures on costs.

President Keiser also suggested preparing a media kit for prospective members. Kathleen Marsh suggested a powerpoint presentation on our website on the benefits of membership. Membership Committee Chair Brian Hill will work with Julie Averill on this.

## **II. Russia/America relations**

It was reported by President Keiser that Russia and America are celebrating 200 years of diplomatic relations. Russian arts organizations are interested in American music festivals in Russia. President Keiser called on member publishers to help in any way they can.

## **III. AMC/New Music Jukebox**

It was suggested by Daniel Dorff that MPA should work with the New Music Jukebox of the American Music Center on possibilities of streamlining the meta-data required for its database of American musical works. Dorff reported that the project was too daunting and time-consuming for most publishers to cooperate fully. Also, the data required does not match a typical publisher's database. Jim Kendrick and Susan Feder will take the issue back to the AMC Board and come up with a plan.

## **IV. Music United Coalition**

John Shorney reported that the Music United Coalition met and discussed ASCAP's Donnie the Downloader campaign against illegal downloads. ASCAP is attempting to get the program picked up by iSafe. Shorney suggested that we contribute to the campaign. It was suggested that MPA invite Phil Crosland of ASCAP to brief the board on needs at the October 26 meeting.

## **Committee Reports**

### **ACDA - Lou Fifer**

#### **Annual Meeting – New Venue**

Material was passed around concerning four potential venues  
American Conference Center  
Princeton Club  
Marriott East Side  
Kimmel Center at NYU

It was decided that Julie Averill and President Keiser will visit Princeton Club and American Conference Center to make a final decision.

Ideas for sessions –

Legends session (Dorff) – suggested to be tied into Oral History video.

Legal and legislative update – Asking Israelite to speak again. President Keiser will look into this.

Motivational Speaker – Kathleen Marsh suggested a well known author such as “The Long Tale” author Chris Anderson or “The Paradox of Choice” author Barry Schartz

Artistic Administrators – It was suggested that we ask several artistic administrators to speak on a panel – Susan Feder will look into this after we have a date.

**Archive - Lauren Keiser – No Report**

**Paul Revere Awards - Paul Sadowski – No Report**

**Contribution - VACANT**

**Copyright and Licensing - Marc Ostrow – No Report**

John Shorney asked for report on who we've sent letters to regarding the tablature and online sheet music issue.

**Educations Contact and Trade Relations - Lauren Keiser**

**It was reported that the current music festivals update has been posted to the website.**

**Engraving and Production – Dan Dorff**

Engraving and Production committee met last Spring, and will meet once a year and report to the board.

**Finance/Audit - Arnold Broido**

Arnold Broido suggested that the MPA perform an audit during FY07. He requested information from Julie Averill on CD's and their maturation dates and interest rates. Jim Kendrick will send info on auditor from Princeton – closer to Lynn Sengstack for audit purposes.

**International Contacts - Arnold Broido**

Arnold Broido reported to the Board. Updated ICMP report attached and available on members only section of MPA website.

**Membership - Brian Hill**

New members Dream Hill Music and Wilhos Music were accepted for MPA membership.

**MLA/MOLA/MPA – Daniel Dorff**

After Robert Thompson's resignation, Daniel Dorff will head committee – Susan Feder will request that David Flachs (G. Schirmer) join committee also.

**Performance - Norman Ryan – No Report**

**Press/Pub/PR - Lynn Sengstack, Kathy Marsh**

Fernandes passed out ad draft aimed at school administrators that could also be adjusted to place in MENC publications. The committee would also like to accept proposals by Boom Design Group to initiate an email list functionality via the website CMS and an ENewsletter function as well. AN email blast, direct mail campaign, and advertising campaign in school administrator magazines will be initiated simultaneously. It was suggested that possibly MENC and MTNA would be able to offer MPA a break and give us two full pages for one or something similar. This will be looked into.

**Research/Dev/New Tech - VACANT**