



## **Music Publishers' Association of the United States**

Minutes of the Officers & Board of Directors Meeting  
April 19, 2007 at the Harry Fox Agency Offices

Brittain Ashford (Administrator)	Present
Marco Berrocal	Present
Craig Cornwall	Absent
Steve Culbertson	Present
Daniel Dorff	Present
Louis Fifer	Absent
Kathy Fernandes	Present
Lauren Keiser (President)	Present
James Kendrick Esq., (Counsel)	Via Telephone
Steve Manus	Present
Kathleen Marsh	Present
Roger McLean	Present
Dave Olsen	Present
Marc Ostrow	Absent
Norman Ryan	Present
Lynn Sengstack (Treasurer)	Present
John Shorney	Present
Todd Vunderink	Present

### Committee Chairs

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

### **Call to order and announcements (Keiser) - 10:00 am**

#### **Approval of Minutes for February 22, 2007 Meeting**

Approved as submitted.

#### **Treasurer's Report**

Brittain announced that all of our dues have been collected. Four small publishers elected to not renew this year. We have paid all of our advertising expenses. A transfer of \$24,000 from our CD account into our cash account was made to cover these expenses plus the annual meeting expenses. The report was approved as submitted.

#### **Report on the Guitar Tab Licensing Initiative – Gary Churgin, HFA CEO and Michael Simon, HFA Legal Council**

Gary Churgin made a presentation to the Board regarding the announcement that HFA together with Musicnotes.com will start licensing the use of guitar tabs on a new website that will launch this summer. Gary started out by announcing that HFA has embarked on a new policy of expanding their licensing business to include licensing non-115 kind of transactions. Lyricfind was their first project. The new model does not charge a commission to the publisher but charges it to the licensee. The publishers get

100%. The deal is 'opt-in' so copyrights are either in or out. Those copyrights become available to the user. HFA acts as a facilitator to the licensing process.

Steve Manus asked many questions starting with a question about the non-exclusive nature of the deal. Gary answered that these deals are non-exclusive and will be available to anyone who wants to license a use. He explained that HFA will consider any request brought to them if it makes sense. Steve brought up the point that HFA has never done print before and he questioned whether HFA was capable of licensing the complicated process of licensing print. Michael Simon explained that a very sophisticated system is already in place to accommodate the complexity of licensing print. He explained that the system is not a 'blanket' deal but can deal with licensing at the song split level.

Gary added that HFA's responsibilities end with clearing the license and collecting and distributing royalties based upon instructions. HFA does not offer a 'blanket' license for anything. Steve Manus then brought up a question about the approval process related to these 'creations'. Michael Simon answered that the publishers will preserve the right to review the created works. Michael Simon stated that they have already dealt with this when they license rap music. He stated that it is up to the publishers and writers to work out their differences and then instruct HFA to license appropriately. Michael announced that he is also working with other companies that will try to license user generated content such as [www.youtube.com](http://www.youtube.com) etc. which does not have a filter from creator to user. He stated that it is up to the publishers to decide what they would like to license on those terms. He also stated that HFA will take a letter of direction that will instruct HFA to send the payment to a third party.

Dan Dorff asked the publishers why they should be upset if the publisher can say no. Steve Manus brought up the issue that the publisher and the songwriter lose control of the quality of the work. Lauren Keiser then asked if Google asked HFA to license guitar tab, what would they say. Gary and Michael answered that they would say yes.

Gary and Michael left the meeting and Lauren Keiser stated that he felt it was important for the MPA to make a statement regarding its position on the HFA licensing of guitar tab. He stated that he felt the 'law of unintended consequences' may take effect. He also stated that he felt the organization should get involved in creating the definition of print rights and digital rights. Kathy Fernandez added that she is concerned about the devaluation of music in general. Jim Kendrick added that Google and MySpace have created an environment where music has already moved beyond the point where the use of music can be controlled.

John Shorney asked if the MPA has a problem with Harry Fox and their new approach to licensing. Lauren asked the Board to give an official opinion regarding this issue. Jim Kendrick told the Board that the term 'digital right' has no official definition. Dave Olsen stated that some of the print publishers have exclusive rights for traditional rights and non-exclusive rights for digital rights. Jim Kendrick then added that each license is subject to individual contracts between music companies on a case by case basis. He stated that the MPA cannot take a position on this subject.

Lynn Sengstack stated that she was not comfortable making a statement for or against the HFA initiative. Since each publisher can decide whether to opt in or not, she believes that it is not the business of the MPA to make a statement. The Board agreed that it is appropriate not to make an official statement, but that the MPA Board had a useful discussion and felt that it is necessary for each publisher to make their own decision on whether or not they participate in this opportunity. Steve Manus added that the MPA should officially state that they are concerned that the integrity of the music be preserved in this new business. The Board agreed.

### ***Committee Reports***

**ACDA** – Lou Fifer. No Report.

**Annual Meeting** – Lauren Keiser. The new invitation to our Annual Meeting was distributed to the Board for approval. It was unanimously approved.

**Archive** – Lauren Keiser. No report

**Finance/Audit** – Arnold Broido. No report.

**Membership Report** – Brian Hill. Kathy Fernandes shared a database of 700 print publishers for our database. The database is being built and will be ready by the annual meeting.

**Awards** – Paul Sadowski. Lauren stated that some publishers have not received applications for the Paul Revere Awards. A follow up was recommended.

**Contribution** – Roger McClellan and Todd Vunderink. The annual letter from the American Music Center came in for a request for \$10,000. Kathy Fernandez reported that we were contacted by the AMC last year but there was no follow through. Lauren reported that the MPA asked them to hold a copyright symposium as a requirement for the donation. That did not happen. The Board agreed that the AMC should support the mission of the MPA in the form of a sponsorship or the like. Todd will contact AMC to request that they offer a new plan for supporting copyright education.

**Copyright and Licensing** – Marc Ostrow. Guitar Tab websites continue to be contacted and shut down. Lauren Keiser stated that he is the contact for reporting illegal websites.

**Engraving/Production** – Dan Dorff. A special meeting was held to review the criteria for the Paul Revere awards and to discuss possible refinement that would include a broader range of music notation products. It was recommended that only members were eligible for the award and the award certificates should be reduced to 5 per publication. Best Engraving award was added that would include music created for all types of media. A full report was distributed to the Board. The Board was charged with reviewing the report and a vote for the acceptance of the recommendations will take place in September, 2007.

**MLA/MOLA/MPA** – Dan Dorff. No Report.

**Performance** – Norman Ryan. A MPA copyright panel presentation will be held at Opera America Publisher showcase and the League session.

**Press/PR/Pub** – Kathy Fernandes/Kathleen Marsh. The Boom Design online newsletter project is finished and will be available by the annual meeting.

**Educations Contact and Trade Relations** – Lauren Keiser. No Report.

**Research/Development/New Technology** – No Report.

**International Contacts** – Arnold Broido. Lauren Keiser reported that he met with the presidents of the UK and German MPAs and found out that the suggested changes to the bylaws put forth by some members are political in nature. No further action by the MPA was recommended.

The meeting was adjourned at 12:00 pm.

Respectfully submitted,  
Kathleen Marsh, Secretary