



Soundcheck

Volume VII, Number 9

November 2007

Don't Look Back

A few words from Gary Churgin, HFA President & CEO

With big-name artists stepping out with non-traditional deals, the media is even more abuzz than usual with stories about the new digital music business. It's been just about 10 years since the first experiments in commercial digital distribution of music, and if you look back at analyst reports over that time, you'll find there was no clear, accurate prediction for what we have in the market now. So at HFA, we take the position that we're not here to pick the distribution model of the future – we're here to provide our publishers with as many appropriate licensing opportunities as possible.

While you don't generally hear about their work until a new arrangement is offered to our publishers, HFA's Business Development team is very active in reaching out to all kinds of businesses that may need relationships with music publishers. This year alone, the team has communicated with over 650 companies in a wide variety of digital business models including online karaoke, kiosks, peer-to-peer, podcasting, and user-posted services.

Over the past five years, meetings like these have resulted in licensing agreements with 1,330 full permanent digital download companies, 24 ringtone providers, 10 subscription services, 13 "Express Live" licensees, in addition to other arrangements such as our recent high-profile lyric and tablature agreements with Lyricfind and Musicnotes.

Our Business Development team – which is just two full-time people, with support from Legal & Business Affairs and Licensing – are also very involved after the deals are inked in developing HFA's business technology systems to implement these licensing arrangements. The challenge isn't only modifying our systems to handle new business terms, but also processing the sheer volume of requests that digital services require. To compare, a new record company releasing one album a month might need 120 or fewer mechanical licenses in its first year; a digital music service might request 500,000 licenses just to open for business.

Predictive models don't seem to hold for digital distribution; the various technological, economic, and behavioral factors make previous format battles look straightforward. HFA will continue to connect with all legitimate participants in the music industry value chain to support possible lawful broadest legal music consumption culture.

A handwritten signature in purple ink, appearing to be the initials 'GC'.

NMPA & HFA Mourn Passing of Arnold Broido on October 25, 2007

Member of the NMPA and HFA Board of Directors and President of Theodore Presser



The NMPA and HFA are greatly saddened to announce the passing of Board member Arnold Broido on October 25, 2007 after a long series of illnesses.

“Arnold’s dedication to the NMPA, The Harry Fox Agency, ASCAP and the principals of Copyright will be sorely missed,” said Irwin Z. Robinson, Chairman of the Board for NMPA and HFA. “With over 30 years of service to these and other industry associations, the value of his contributions will be difficult to replace. It was a great pleasure serving on these boards with Arnold both as a colleague and a friend.”

Mr. Broido started in music as a piano student at the Mannes School and Julliard, and, after serving in World War II, began working in the stockroom at Boosey & Hawkes. His career took him from Boosey to Century and Mercury Music, then to E.B. Marks, Frank Music Corp., and Boston Music. Finally, in 1969, he became President of Theodore Presser Company, the oldest continually operated music publisher in the United States.

“Arnold Broido was one of the true gentlemen of the music industry. His wise voice and cherished friendship will be missed greatly by all who had the honor of knowing him,” said David Israelite, NMPA President and CEO.

“Arnold was an amazing man, who had a very progressive view of our industry and was a big believer in change,” said Gary Churgin, HFA President & CEO. “He was an absolute icon both here and abroad. Most important, he was the nicest person anyone could meet.”

In addition to serving on the NMPA Board and the HFA Board as both a Director and as Treasurer, he held positions as Treasurer of the ASCAP Board, President of the Music Publishers Association of the United States, Chairman of the International Confederation of Music Publishers, and President of the International Federation of Serious Music Publishers.

Mr. Broido leaves behind his beloved wife Lucy and three sons, Jeffrey, Laurence, and Thomas.

HFA Digital Royalty Compliance Exams

HFA began licensing digital formats in 2000, both directly to digital services and through the “pass along” licenses obtained by record labels. These formats are becoming an increasing part of HFA’s regular royalty compliance examinations, which is the process by which HFA examines the books and records of licensees to evaluate the accuracy of royalty statements submitted and payments remitted by licensees, and enters into settlements for additional monies owed if applicable.

Examinations of digital releases present new challenges. Unlike physical inventory tracking systems, licensees may not have control over, or access to, the server logs that track the distribution of the music by the digital distributors. HFA is making an effort to ensure that every digital exam includes review of samples of the reports from third party digital distributors to licensees to ensure proper accounting. We are developing in-house experts, rather than just relying on outside firms, as having first-hand familiarity with the diverse business models involved in digital distribution is important to getting the best results for our publishers.

Royalty compliance is one of the many important services HFA performs for its affiliated publishers. A list of current and upcoming royalty examinations is available to HFA affiliated publishers when they log in to HFA Online at www.harryfox.com.

HFA Song Registration & Non-U.S. Royalty Collections

A reminder that HFA will not process foreign royalties for songs that are not registered in our database. Any such royalties will be returned to the appropriate collection society. Even if you have registered songs with a performing rights organization, such as ASCAP, BMI, or SESAC, you must also register them directly with HFA.

If you have an HFA Online account, you can register your songs online using our eSong tool. If you don’t currently have an HFA Online account and would like to create one, please contact Publisher Services at 212-834-0100 or email publisherservices@harryfox.com.

HFA provides collection and monitoring services to its publisher clients for music distributed and sold in over 95 territories around the world. If you’re not sure if HFA is pursuing foreign royalties on your behalf, please contact Publisher Services for help.

Bertelsmann Class Action Settlement: Administrator Contact Information

As discussed in previous issues of [HFA Soundcheck](#), The Garden City Group is the claims administrator for the settlement between the NMPA, Bertelsmann AG and Bertelsmann, Inc. relating to Bertelsmann's relationship with Napster in 2000-2001. Any inquiries relating to the administration of the settlement should be directed to the Garden City Group.

The Garden City Group has set up a special website www.leibersettlement.com and tollfree number 1-800-918-1028. The email address is LeiberSettlement@gardencitygroup.com.

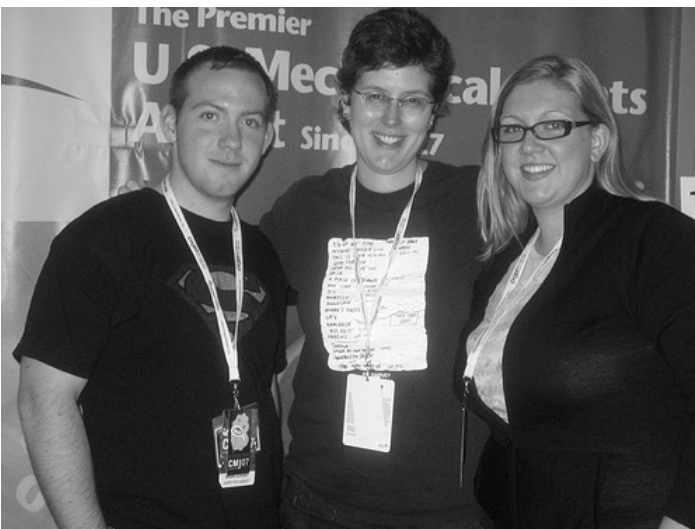
The mailing address for correspondence from class members is:

In re Napster, Inc. Copyright Litigation
c/o The Garden City Group
PO Box 9192
Dublin, OH 43017-4192

HFA at CMJ

HFA recently exhibited at the CMJ Music Marathon in New York, spreading information about music publishing and mechanical licensing.

HFA staff at the conference included (pictured below) Brian Durant, Laurie Jakobsen, and Bridget Unger.



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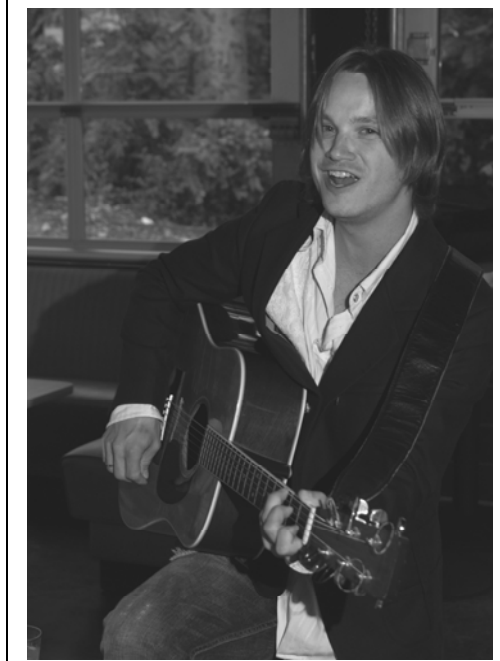
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NMPA Launches Gold & Platinum Awards Partnership Program

Last month, the NMPA launched its Gold & Platinum Composition Awards Program. Created in partnership with the Recording Industry Association of America, the program celebrates the contributions of songwriters and composers of singles that have been certified by the RIAA as gold (500,000) or platinum (1 million) sales in the U.S.



▲ The Nashville awards reception was on October 18 at the Cabana Restaurant. Chris DuBois, pictured (center) with David Israelite, President & CEO of the NMPA (left) and Mitch Bainwol, Chairman and CEO of the RIAA, was presented a gold award for “Mud On The Tires.”



▲ Josh Kear performed at the Nashville event. He and Chris Tompkins were presented a platinum award for “Before He Cheats”



◀ On October 22 at the Four Seasons Hotel in Los Angeles, Jerry Leiber & Mike Stoller received Lifetime Achievement Awards from the NMPA (Marty Bandier, President & CEO of Sony/ATV; Stoller; Leiber and Israelite).

Also in LA, Daniel Powter received a platinum award for “Bad Day” (pictured at right: Israelite, Irwin Robinson, NMPA Chairman of the Board, Powter, and Bandier). ►



*Photo credits: Nashville – Stephen Kohl;
Los Angeles - Brian Kramer*

Association of Independent Music Publishers 30th Anniversary

The Association of Independent Music Publishers (AIMP) is celebrating its 30th anniversary this year. As Cathy Merenda of Fox Music, the current President of AIMP National Board, recalls, in 1977, “most of the industry was in New York, so a group of West coast publishers started meeting for lunch initially to talk about what was going on with the 1976 Copyright Act which would go into effect January 1, 1978. It started as about 6 or 7 people at lunch. Just as a measure of how much we’ve grown, last month we had a record breaking 240 people at our meeting.”



Cathy Merenda

The lunches and evening events focus on the AIMP’s main goal, which is education. “We try to provide something on different levels, from basic ‘101’ of publishing to more sophisticated topics,” says Cathy. “It’s also a place for networking.”

The AIMP has over 500 members from different areas of the industry. The New York chapter started up in 1991; Cathy adds that while they have tried various times to set up something in Nashville, it never quite gelled. However, the organization recently revamped its website to include podcasts from recent events, and they have found this is increasing their membership outside of the two current chapters.

AIMP members do include representatives from the major publishers. Cathy notes that “it’s good to see what the majors are thinking. We like to call ourselves the ‘voice of the independents,’ but you could also call us the ‘voice of the fifth major’ - with fewer larger publishers, collectively the indies are a real force.”

Cathy also stresses that the AIMP works with the NMPA as does Copyright Alliance, providing their “indie” perspective on the larger issues that these organizations are working on in DC, and also bring information on these legal and legislative developments back to their membership.

The next New York chapter event is “Can You Hear Me Now?: The Future of Mobile Music” on November 14 at 5:30pm at the Williams Club. It’s free to members and \$15 for non-members. The day after, on November 15, the Los Angeles chapter will host a lunch on the topic “Subpublishing from Home - Do It Yourself? Considering the pros and cons of direct affiliations with foreign societies.” This event is \$32 for members and \$45 for non-members.

Information on registering for these events and for membership can be found at www.aimp.org; annual membership with the Los Angeles chapter is \$76, and for the New York chapter is \$75. The website also includes a members’ blog, legislation updates, industry news, a calendar of events, and job postings.

Word on the Street . . . HFA Affiliate Publisher News

Cherry Lane Music Publishing has signed Montreal-based composer and songwriter **François Lamoureux** to a worldwide, long-term publishing agreement. Lamoureux has worked with many artists including Pete Townshend, Ben Harper, The Who, Willie Nelson, Neil Young, Rush, and Harry Connick Jr. He has also written music for HBO and TNT movies such as *Ignition* and *36 Hours to Die*. Cherry Lane has also signed a worldwide co-publishing agreement for the original music of the children's television show, **Punktuition**. This heavily music-based show teaches children about grammar, and follows the antics of characters such as Miss Apostrophe, Primadonna Comma, Hex Clamation, Question Mark and Full Stop aka Period.

ole has signed **Temple Street Productions** to a multi-year worldwide administration agreement. Under the terms of this agreement, ole will administer the music rights to current Temple Street produced TV series including *Billable Hours* and *Darcy's Wild Life*. ole has also signed animation studio **Cuppa Coffee** to a multi-year deal to administer their music rights. The agreement includes the current production *Bruno and the Banana Bunch*, which airs in 70 countries on such broadcasters as Nickelodeon and Noggin.

Spirit Music Group announced a global, multi-year administration deal with the estate of songwriter **Larry Fontine**. This deal covers such blues and pop classic as Duke Ellington's "Ain't Got Nothin' But The Blues," Chet Atkins' "Blue Guitar," and Gene Autry's "You've Gotta Take The Bitter With The Sweet." Fontine made a name for himself as an arranger for Sammy Kaye and Lawrence Welk. He also led and recorded his own band, The Beat Street Buskers.

Universal Music Publishing Group (UMPG) announced the renewal of singer/songwriter **Paul Simon** to an exclusive, worldwide (ex-North America) publisher administration agreement. Under

this agreement, UMPG will continue to administer Simon's extensive catalog and future works for the world ex-North America. They will also represent Simon worldwide for synchronization licensing for motion picture, TV, advertising and other mediums. Simon's publishing catalog includes classic Simon and Garfunkel works such as "Mrs. Robinson," "Bridge Over Troubled Water," "The Sound of Silence," "Scarborough Fair [Parsley, Sage, Rosemary and Thyme]," and "I Am A Rock," as well as solo works such as "Loves Me Like A Rock," "One Trick Pony," and "You Can Call Me Al." In 2001, Simon was inducted into the Rock and Roll Hall of Fame for the second time, and in 2002 received a Lifetime Achievement Grammy Award for Simon and Garfunkel. He was also honored by the Kennedy Center for his contribution to American culture through the performing arts.

UMPG also renewed an exclusive, worldwide publishing agreement with **Dave Grohl**, frontman for the Grammy award-winning band **Foo Fighters**. UMPG also represents the music publishing interests of Foo Fighters members and co-writers Taylor Hawkins and Chris Schiflett. The Foo Fighters recently released their sixth studio album, *Echoes, Silence, Patience & Grace*, which debuted at No. 1 on the UK album charts. The first single "The Pretender" reached No. 1 on Billboard's U.S. Alternative/Modern Rock chart and No. 2 on the U.S. Mainstream Rock tracks. Before founding the Foo Fighters, Grohl was the drummer for iconic rock band, Nirvana. He has also played drums for Queens Of The Stone Age, Tenacious D., Killing Joke and Nine Inch Nails.

"Word on the Street" is taken from press release material.

***“On the Road Again?”
Make Sure Your Mail’s Not Marked
“Return to Sender”***

On the move? Make sure HFA has your current contact information. You can obtain change of address information on our website at www.harryfox.com or by contacting HFA Publisher Services at 212-834-0100.

The HFA website also has a list of publishers for whom we may be holding royalties due to the lack of a valid mailing address - see the “Help Us Find Publishers” link.

New HFA Address:

**601 West 26th Street
5th Floor
New York, NY 10001**

All phone numbers and email addresses remain the same.

If you have any comments regarding HFA Soundcheck, please contact Laurie Jakobsen at 212-834-0133 or Shaliza Thomas at 212-922-3290, or email soundcheck@harryfox.com.

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