



October 18, 2006

HFA Statement on Register of Copyrights Administrative Ruling on Ringtones & Mastertones

In July 2004 we notified Harry Fox Agency (HFA) licensees that digital phonorecord delivery (“DPD”) licenses issued by HFA pursuant to Section 115 of the Copyright Act do not cover ringtones or mastertones and may not be relied upon to make or distribute (or authorize the making and distribution of) ringtones or mastertones.

Recently, the Register of Copyrights issued an administrative ruling in the context of the pending Section 115 rate proceeding before the Copyright Judges in Washington, DC concerning the availability of the statutory compulsory license as to ringtones and mastertones under certain circumstances. *This decision has no effect on HFA’s existing policy that DPD licenses issued by HFA on behalf of publishers are limited to the making and distribution of full downloads comprising full-length musical works and do not cover the additional configurations of ringtones or mastertones.* HFA has not issued and is not issuing ringtone or mastertone licenses under the compulsory license provisions of Section 115.

Publishers have successfully licensed ringtones and mastertones in the free market for years, including through HFA’s ringtones licensing program. HFA is therefore greatly disappointed by the Register’s decision in the ratesetting proceeding to subject certain ringtones and mastertones to the compulsory license, which will hurt publishers and songwriters. Acting in conjunction with NMPA, HFA is currently evaluating legal options with respect to the Register's decision.

About HFA

Established in 1927 by the National Music Publishers’ Association, HFA represents over 30,000 music publishers in the U.S. for their mechanical licensing needs, as well as for uses such as ringtones, background music and lyrics, issuing licenses and collecting and distributing royalties. HFA also provides collection and monitoring services to its publisher clients for music distributed and sold in over 95 territories around the world. For more information about HFA, or to become an affiliate publisher or a licensee, see www.harryfox.com.

Media contact for HFA:

Laurie Jakobsen
212-834-0133
ljakobsen@harryfox.com