



Soundcheck

Volume V Number 1

February 2005

Moving Right Along

*A few words from Gary Churgin,
HFA President & CEO*

Right on schedule, the second major software release (R2) for HFA Online will be available to HFA-affiliated publishers and licensees on Monday, February 28. In addition to the new and improved products for publishers, HFA is also implementing internal infrastructure improvements and some significant new products and enhancements for licensees.

For our publishers, we will have integrated our Publisher Online Licensing Inquiry system (POLI+) into HFA Online. For those that are already HFA Online users, this means you will no longer have two separate usernames and passwords to enter the system. HFA can also now easily add new publishers to POLI+. This move takes advantage of the increased security of the HFA Online system over the prior method of POLI+ access through the NMPA website, which will be disabled after March 31, 2005. Other than the method of access, the screens and operation of POLI+ will not change.

We encourage the use of POLI+'s eSong tool to request additions of songs to the HFA database, or to revise existing song information, instead of paper or email requests. Using eSong speeds up the HFA song addition and maintenance process. Song additions or updates submitted via eSong will be processed within one business day for 100%-owned songs and within three business days from the last submittal or response for songs with ownership splits.

Starting February 28, arrangements that HFA offers to our publishers to facilitate licensing

of new digital music opportunities, such as ringtones and online music services, on an "opt-in" or "opt-out" basis. Such arrangements will be able to be viewed and acted upon through HFA Online, and you will be able to see your acceptance status of these arrangements as well. At this time, you will not be able to see your company's choices on opt-in or -out agreements that were issued prior to this date, but we hope to make that a part of a future T2 release.

Another key item I want to highlight for publishers on HFA Online is the Royalty Compliance area, which allows registered publisher users to see HFA's pending and current royalty examination schedule.

There are a number of less visible but very important T2 projects going into effect as well. One is the upgrade of the royalty distribution process method for various major-label accounts to the ADP program, which will yield greater accuracy in regard to HFA licenses and publisher ownership splits, as it includes a process that can matches a large number of the transactions to HFA Licenses and HFA Song Codes. The ADP system has been used primarily for the Universal Music Group for the past several years, so this is not an entirely new application. In 2005, the first major account we are bringing over to ADP is BMG Records; the February distribution will be in this new format. Please note that BMG Record Club sales will continue to be on the old system. The move to ADP will change some items on the BMG Records paper

(continued next page)

royalty statements. The check summary vouchers and detail statements will not list “Manufacturer Publisher Number” – only HFA Publisher Name and Publisher Number, and publisher level deductions will now be translated down to the song level. Publishers that receive statements electronically should have received an email to alert you to the new naming convention for the data files. If you did not, please confirm your email address with HFA Client Relations at 212-834-0100 or client_relations@harryfox.com.

In addition, as part of our effort to improve the quality of the data that we get from licensees, we have a specific initiative to increase the number of record companies sending HFA electronic data files instead of paper. Since the project started, HFA has converted more than 40 accounts from paper to electronic data files that total more than \$6 million in annual royalty distributions. We are also working with royalty and IT resources from all of the majors, large independents, and both RightTracks and CounterPoint to improve overall data quality.

On the licensee side, almost 200 licensees are now actively using eMechanical, our web-based licensing application that replaced the former system, Sirnet. This includes more than 30 licensees who previously submitted license

requests to HFA on paper. The R2 HFA Online Release includes significant enhancements to eMechanical, particularly the online approval of unsigned licenses. This new feature enables licensees to execute licenses electronically rather than signing paper copies and returning them to HFA. We expect this enhancement to expedite the signing of licenses, as well as reduce the costs for materials and postage associated with mailing paper licenses for HFA and our licensee customers. We are continuing to roll out eMechanical to our current licensees, and it is also part of our application process for new licensing accounts.

We will continue with our planned release schedule with our T2 2.5 release on June 20, which will include a re-launch of our limited quantity licensing application, Songfile. As always, we’ll continue to keep you updated as we move through the process.



Upcoming AIMP Chapter Events in New York & Los Angeles

The Association of Independent Music Publishers (AIMP) is hosting the following events:

“A View from the Top” – February 24, 11:45am-2pm – Wyndham Bel Age Hotel, Los Angeles

Leaders of independent and multinational music publishing companies will share their views on the current state of the worldwide music publishing industry and what innovations and adjustments are being made artistically, technologically, financially and legally to address the dramatic challenges facing our industry. Scheduled to speak are Michael Eames of the Penn Music Group, Evan Medow of Windswept, David Renzer of the Universal Music Publishing Group, and Randall Wixen of Wixen Music Publishing. Reservations must be received by February 23; no walk-ups. \$28 for AIMP Members; \$42 for non-members. Includes lunch.

“An Update on The Harry Fox Agency” – March 16, 5:30-7:30pm – ASCAP, New York City Gary L.

Churgin, president and CEO of HFA, and members of the staff will provide an update on the company. Reservations must be received by March 14; no walk-ups. Free to AIMP Members; \$15 for non-members.

For reservations and more information, go to www.aimp.org, or call (818) 771-7301 for the LA Chapter, or (212) 582-7622 for the NY Chapter.

**Former Deputy Chief of Staff and Counselor to the Attorney General
David M. Israelite Named President and CEO of
National Music Publishers' Association**

Irwin Z. Robinson, Chairman of the National Music Publishers' Association (NMPA) Board of Directors, has announced that David M. Israelite has been named President and CEO of the NMPA, America's leading music publishing industry trade association. For the past four years Israelite served in the Bush Administration as the Deputy Chief of Staff and Counselor to the Attorney General of the United States, and as the Chairman of the Justice Department's Task Force on Intellectual Property. Israelite succeeds Edward P. Murphy.

The NMPA will relocate its headquarters from New York to Washington, D.C. to facilitate increased interaction with Congress, the Administration, the federal judiciary and other intellectual property trade groups. The Association remains focused on copyright legislation and regulation in the digital and physical arenas, and in the coming year, the NMPA will continue its support of the publisher and songwriter plaintiffs in the U.S. Supreme Court hearing of the Grokster case. NMPA subsidiary, The Harry Fox Agency, Inc. will continue operations in New York under President and CEO Gary Churgin.

"On behalf of the Board of Directors of the NMPA, I am excited to announce that David Israelite will be at the helm of the NMPA," said Irwin Z. Robinson, Chairman of the NMPA Board of Directors and Chairman and CEO of Famous Music Publishing. "David's outstanding legislative and political background combined with his tremendous knowledge of the issues surrounding intellectual property made him the obvious choice for this role, as the U.S. music publishing industry moves forward to confront the challenges and opportunities of the 21st century."

"Music publishing in the U.S. is a multi-billion dollar industry and constitutes one of the most valuable exports from this country, both culturally and financially," said David Israelite. "I'm honored the NMPA Board of Directors selected me for the position of President and CEO. I look forward to working with them and the many publisher, songwriter, performing rights, and copyright organizations in the U.S. and around the world to protect, promote, and advance the interests of music's creators."

Prior to his appointment to the Department of Justice in 2001, Israelite served as the Director of Political and Governmental Affairs for the Republican National Committee. As a senior advisor to the Chairman, he was responsible for the Republican Party's Campaign Operations, Government Affairs, Research, and Presidential Liaison Divisions.

From 1997 through 1998, Israelite was the youngest Administrative Assistant in the US Senate when he served under Missouri Senator Kit Bond, taking the reins as the Senator's Campaign Manager during his successful re-election campaign in 1998.

From '94 to '97, Israelite practiced law in the Commercial Litigation Department at the firm of Bryan Cave, LLP in Kansas City, Missouri. Israelite earned his Juris Doctor from the University of Missouri in 1994 and received a B.A. in a double major of Political Science and Communications from William Jewell College in 1990. While in college, Israelite was named Top Speaker by the National Cross Examination Debate Association, recognizing him as the nation's top collegiate debater. Israelite has been recognized as one of "Politics Fabulous Fifty" by Roll Call newspaper, a "Rising Star of Politics" by Campaigns and Elections Magazine, and one of Details Magazine's "50 Most Powerful Men under 38".

Word on the Street . . . HFA Affiliate Publisher News



L-R: Glenn Middleworth, Vice President of Creative for Famous Music's Nashville Division, Steve Bogard, Ira Jaffe, Famous Music President and COO, and Curtis Green, Senior Creative Director, Famous Music/ Nashville.

Famous Music/ Nashville is launching 2005 with the global long-term signing of hit songwriter/producer **Steve Bogard**. The pact reunites Bogard with Famous Music Chairman and CEO Irwin Z. Robinson and President and COO Ira Jaffe, who signed Bogard to Chappell Music when they led that publishing company. The multi-faceted Bogard has written numerous hits including George Strait #1s "Carrying Your Love With Me" and "Carried Away," Rascal Flatts' career breakthrough "Prayin' For Daylight," Reba McEntire's #1 "New Fool At An Old Game," Tracy Byrd's "I Wanna Feel That Way Again" and Blackhawk's "There You Have It," while garnering 18 ASCAP and BMI award winners. Among the many diverse artists who have cut his songs are Etta James, Tim McGraw, Kenny Chesney, Patty Loveless, Restless Heart, Lonestar, Alabama, Travis Tritt, Dierks Bentley, Sinéad O'Connor, The Four Tops, Waylon Jennings, Conway Twitty, and The Oak Ridge Boys. Sales of albums, CDs and cassettes containing Bogard songs total over 50 million units.

Stephan Jenkins, frontman of the multi-platinum band Third Eye Blind, has signed a global music publishing deal with **BMG Songs**. Jenkins is making a name for himself outside of his chart-topping band as producer of Vanessa Carlton's sophomore set, *Harmonium* (A&M/Universal). He also co-wrote four songs with Carlton for the critically acclaimed album, including the first single "White Houses." Released in November, *Harmonium* is the follow-up to Carlton's 2002 multi-platinum debut *Be Not Nobody* (A&M/Universal). Jenkins continues to pursue writing and producing projects in addition to his work as lead singer/ guitarist/ producer /songwriter for Third Eye Blind. The deal currently excludes Jenkins' work with Third Eye Blind.

Kyle Matthews has signed an exclusive co-publishing agreement with **Universal Christian Music Publishing Group Nashville's** joint venture **Final Four Music Publishing**. Over the past decade, Kyle Matthews has emerged as one of Christian music's most successful songwriters. Kyle has had hits with Ginny Owens, Oak Ridge Boys, Grover Levy and Point of Grace, just to name a few. His song "We Fall Down" was recorded by Bob Carlisle, Donnie McClurkin and Mark Lowry, with McClurkin's recording earning Kyle a Dove Award for Traditional Gospel Recorded Song of the Year, Stellar Award for Song of the Year, and ASCAP's 2002 award for "Gospel Song of the Year."

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

HFA Affiliate Publisher Profile:

Tinafina Publishing Tina deVaron

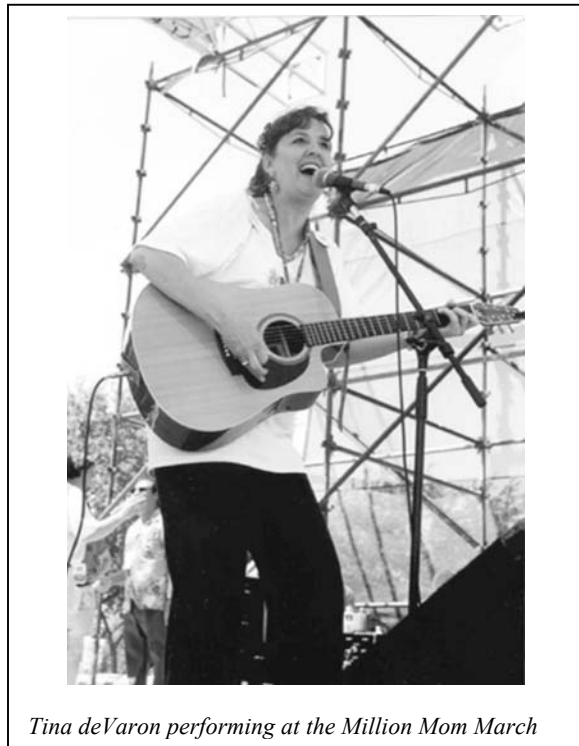
Considering how motherhood has affected Tina deVaron's musical career, it's particularly appropriate that her first musical influence was her mother, Lorna Cooke deVaron. Her mother was the founding director of the New England Conservatory Chorus, among other accomplishments, and deVaron notes, "There was always music in my house. People might be surprised to know my mom can play a kick-ass jazz piano and stride piano!"

DeVaron began her own career as a performer, starting by leading a cappella groups at her alma mater, Princeton, and studying with Benny Carter. She played jazz piano and sang a repertoire of 2,000 standards five nights a week on Cole Porter's piano in Peacock Alley at New York's Waldorf Astoria Hotel for years, but was not inspired to become a songwriter until she had children of her own. "When I had my boys, it seemed to spark my creative process," deVaron says. "I never knew I had all these songs in me."

Her songwriting and publishing career really took off in the mid-1990s, when one of her songs, "Adore You," was recorded by Anointed, became a number-one hit on the Christian charts, and was nominated for a Dove Award (the full CD was nominated for a Grammy). Not to be confined to one genre, she co-wrote "If I Close My Eyes" with Janice Robinson and Jack D. Elliot, and the song became a huge hit for up-and-coming diva Reina, spending 26 weeks on the Dance Radio charts and ending up as the third most-played single on dance radio in 2004.

DeVaron notes that although the two hits are very different songs stylistically, they have one important thing in common: they have both been placed on many compilations. That's one of the reasons she finds working

with HFA invaluable. "If I Close My Eyes' has already been on something like 12 compilations. As a one-person songwriting/publishing organization, it really helps me out. I'm on a step-aerobics recording -- I love that housewives in Baltimore are exercising their quads to my song!"



Tina deVaron performing at the Million Mom March

Having such a big hit has made deVaron even more sensitive to issues such as illegal file-sharing. "I wonder what my Reina royalties would have been before illegal downloads. This is food out of my children's mouths -- but I don't take steaks out of the store. Unfortunately, the fact that [illegal downloads are] OK in our culture means it's OK to steal. Royalties make the difference between making a living as a songwriter and having to do something else."

DeVaron's songwriting continues to lead her in new directions. In 1999, after writing and recording a number of songs about motherhood, she decided to put out a CD on her own, *If Mama Ain't Happy, Nobody's Happy*. She took the name of her record company from the initials of the title track,

IMAH Records, but found out later that the acronym is also Hebrew for “mother.” Not surprisingly, she notes that the album “gets a lot of radio play around Mother’s Day,” but it also got her involved in the Million Mom March. She recorded a special version of “If Mama Ain’t Happy” for a benefit compilation CD that includes Melissa Etheridge and Emmylou Harris.

Subsequent events have made this project even more potentially interesting. In 2001, with help from ASCAP’s Marci Drexler, deVaron performed her motherhood songs as part of the ASCAP/Firebird Songwriters Series. She included a few newer songs about teens, part of what she hoped would be her second album, *Payback Time*, but unfortunately, after September 11 she had difficulty getting financing from her original investors. More than three years later, backing has finally rematerialized, and deVaron is planning to return to the studio to record her follow-up in February 2005.

But there was also good news out of the ASCAP/Firebird showcase. A director saw the performance and thought it would make a great Off-Broadway show. This has been moving forward, with former Groundling Pam Lobley writing the book and all songs by deVaron. It was also her ASCAP relationship that connected her with Jack Elliot, who became the producer and co-writer on deVaron’s hit *Reina* release.

Even as deVaron looks ahead to build her

own career, she is also interested in developing new talent. She’s working with several young artists and their producers on singing and writing skills. She continues to work on her own new material, and is interested in more collaboration projects. “I keep getting signs from the industry not to give up. I wrote a song that was cut by LeAnn Rimes, but it was not released; another one was on hold for J Lo through a deal with Ric Wake. I keep networking, going back to Nashville. I write everyday – maybe because I was a late bloomer, I just write all the time. I love working with words and music.”

**Reminder:
HFA Ringtone Opt-In Agreements
Due in February**

The following opt-in forms have been sent to publishers for response in February. Remember that by working through HFA, we can handle all the licensing, collection and royalty compliance work related to these new digital licensing offers.

**New Agreements:
Mtego
BlueFrog Mobile**

If you have any questions about these offers, please contact J.C. Lindstrom in our Business Development department at jlindstrom@harryfox.com or 212-922-3234.

HFA Employee Milestones

***A Wedding Made at HFA:* Erikka Harley married Harri Ramkishun, Jr., January 15, 2005 in New York, NY. Harley is an Executive Assistant, and Ramkishun is Index Manager, Song Maintenance and Projects at HFA.**

***A Sad Note:* Elizabeth Spentzas passed away on December 27, 2004 due to complications from cancer. She was 65. Spentzas had been the Senior Manager of Distributions for HFA; she was one of the company’s longest-term employees and would have had her 45th anniversary with the company in 2005. She was a valued colleague and a good friend to many people here at HFA as well as many of our publishers. She is survived by her husband, son and daughter.**

HFA Employee Profiles: Client Relations



Back Row (L-R): Jonathan Nowak, Paul Mauceri, Eric Scott. Middle Row: Lori Behrman, Sharon Coakley, Keresse Burton, Warren Adler, Ed Hunt, Bob Leibholz. Front Row: Theresa Figurski, Danielle Boone, Sara Yood, Esther Lee, Nina Vidal, Fred Beteille, Jacqueline Ezell. Missing: Harri Ramkishun.

The function of HFA's Client Relations & Index Department was described in the June 2004 issue of HFA Soundcheck. Above are (almost) all the people that make up the team under Senior Vice President Ed Hunt. The Index Agents are Jacqueline Ezell, Esther Lee, and Nina Vidal, working with Index Manager Theresa Figurski and Index Manager, Song Maintenance and Projects, Harri Ramkishun. They all handle general Index issues, CWR, Estate Transfers, publisher and licensee address maintenance, Notices of Claim, and hierarchy management.

The Inquiry Agents – Keresse Burton, Jonathan Nowak, Eric Scott, and Sara Yood – are on the “front lines,” managing the general email boxes and voicemail for the department, eSong requests, unknown address research and updates, all inquiry management data entry, “OBO” maintenance, and HFA Online account creation.

Client Relations Agents Fred Beteille and Warren Adler, with Senior Agents Lori Behrman, Danielle Boone, and Sharon Coakley, work on resolving all client inquiries of all types. International Agent Paul Mauceri is dedicated to non-U.S. accounts and issues, and Senior Director of Client Relations Administration Bob Leibholz handles department-related technology issues, such as T2 projects, inquiry management quality assurance, and re-engineering and process improvement projects.

***“Return to Sender, Address Unknown”
Publishers MIA: Can You Help Us Find Them?***

If you are a music publisher (or the assign, successor in interest, heir or beneficiary of a music publisher) that has been affiliated with HFA, and you're not sure whether HFA has your current contact information, it is possible that HFA is holding royalties due to the lack of a valid mailing address.

To find out if HFA is looking for you and provide current information so we can pay you any royalties we may be holding, visit “Help Us Find Publishers” at www.HarryFox.com, or call HFA's Client Relations Department at 212-834-0100. And please remember to update your contact information with HFA if it should change in the future.

If you have any comments regarding HFA Soundcheck, please contact Laurie Jakobsen, Senior Director, Communications, at 212-834-0133 or ljakobsen@harryfox.com.

HFA Soundcheck is published 10 times a year by The Harry Fox Agency, Inc. (HFA). All rights reserved. Established in 1927 by the National Music Publishers Association, HFA represents over 27,000 U.S. music publishers for their mechanical and digital licensing needs, and the collection and distribution of royalties. HFA also provides collection and monitoring services to its U.S. publisher clients for music distributed and sold in over 75 territories around the world. For more information about HFA, or to become an affiliate publisher or a licensee, see www.harryfox.com.