

WIPO Comes to Nashville

A few words from Gary Churgin, HFA President & CEO

HFA will have representatives at a number of important industry events this fall (details of which are on page 4), but I want to highlight the Conference on Collective Management of Copyright and Related Rights in North America, organized by the World Intellectual Property Organization (WIPO), in cooperation with Vanderbilt Law School and CISAC.

Set to be held in Nashville from October 17 through 19, this conference will feature many key figures in the international copyright world, including Michael Keplinger, Deputy Director General of WIPO, Eric Baptiste, Director General of CISAC, Lauri Rechart of the IFPI, and many others.

This event will address the changes the digital marketplace has brought to the management of music-related intellectual property in the past 10 years, since WIPO's Seville forum on this topic. It's exciting that they have chosen to focus on this area once again, and it's appropriate that "Music City, USA" was selected to host this important international event.

The various panels include "The Application of International Treaties in Relation to Collective Management of Rights," "Emerging New Services," and more. I'm honored to be participating in the "Licensing, Documentation and Distribution Issues in the Management of Copyright and Related Rights" discussion with Michael Steinberg of BMI, Greg Riggle of SESAC,

Alan Balchin of PRS, and John Simpson from SoundExchange, moderated by Vincent Candilora of ASCAP.

I hope that you will make an effort to attend this event, which is open to the public at no cost. Registration information is on the WIPO and Vanderbilt Law School websites, www.wipo.int/meetings/2007/vanderbilt/en/.

See you there!



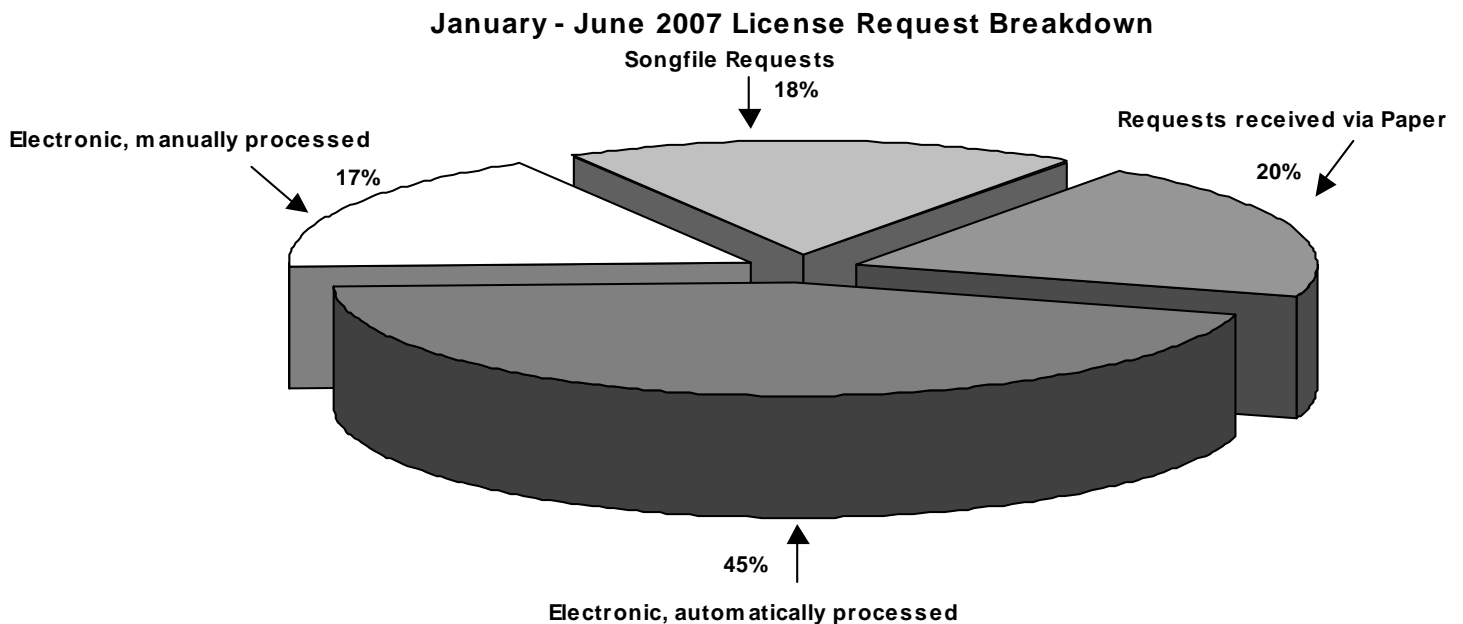
Singer/songwriter **Anthony David** (Bug Music/Soup Sandwich Music) stopped by the HFA offices in August to perform songs from his albums, *Three Chords & the Truth* and *The Red Clay Chronicles*.

Pictured left to right: Anthony David; Shaliza Thomas, Communications Assistant, HFA; and Richard Dunn, David's Manager.

By the Numbers: HFA Licensing January - June 2007

For the first six months in 2007:

- HFA had an average of 16% more license requests per month than in 2006.
- The chart below gives a breakdown of HFA license requests in the first half of 2007. 37% of license requests require manual handling by HFA, either because they were submitted on paper, or because the electronic request required HFA agent review.
- 95% of license requests that required HFA manual processing were completed in under 30 days, and the remainder were completed in less than 60 days.
- 82% of licenses were signed electronically using eSignature.
- 73% of license requests processed were from independent labels.



HFA Issues Almost 1.9 Million Lyric Licenses to LyricFind *Are Your Songs Among Them?*

Last year, HFA offered its publishers a landmark lyric licensing opportunity with LyricFind. The company has already begun to offer lyrics through Rhapsody Online and AMG, and HFA has already issued to them nearly 1.9 million licenses for the five different lyric presentation configurations.

If you did not opt in during the original offering, and now would like to participate, contact HFA Publisher Services at 212-834-0100 or email publisherservices@harryfox.com.

NMPA Announces Settlement of Bertelsmann Class Action

On August 31, 2007, the NMPA jointly announced with Bertelsmann AG and Bertelsmann, Inc. a proposed settlement of litigation arising out of claims asserted by certain members of the NMPA relating to Bertelsmann's relationship with Napster in 2000-2001. The litigation was previously certified as a class action, and accordingly, the settlement requires court approval. The class agreement was filed with the court for preliminary approval on the day of the announcement, and is expected to become final in several months' time.

Upon receiving the notice, publishers should seek independent legal advice regarding the effect of the proposed settlement if they have any questions. Assuming the Court approves the proposed settlement, a notice describing the terms of the proposed settlement and any actions that need to be taken by publishers will be mailed to each HFA publisher principal.

Please note that HFA is not administering the proposed settlement. The Garden City Group, a class action settlement administrator, will handle the notice process and, if the Court ultimately approves the proposed settlement, the distribution of settlement payments. Thus, any inquiries relating to the administration of the settlement should be directed to the Garden City Group.

Under the proposed settlement, Bertelsmann will pay \$130 million, of which up to \$32 million will be applied to cover litigation expenses, including attorneys' fees. Settlement payments shall be calculated by multiplying the net settlement fund (after deducting litigation expenses, service payments and administrative costs as approved by the Court) by each participating class member's total percent market share of mechanical royalties received from U.S. distribution of recordings (physical and digital) during 2001 and 2002. In order to establish their total mechanical licensing income, class members may rely on the amount of mechanical royalties received and distributed by HFA during this period or they may supplement their HFA mechanical royalty income with proof of direct mechanical licensing income from other domestic sources through a procedure that will be detailed in the class settlement notice.

HFA eSong v2

eSong v2, a web-based version of HFA's current publisher song registration tool in POLI+, was launched in early August. Once a user is provided the credentials by their company's HFA Online Organization Administrator, they can perform all the same tasks as the POLI+ version, but in a more intuitive, user-friendly format.

When using the application, a user can:

1. View details of songs previously submitted through eSong v2
2. Submit new song registration
3. Submit updates to registered songs

The POLI+ version of eSong will be phased out on November 1, 2007.

If you have any questions, contact HFA Publisher Services at publisherservices@harryfox.com, or call 212-834-0100.

HFA Affiliate Publishers and Licensees Receive 10% Off Registration for the 2007 CMJ Music Marathon October 16-20 in New York City

Special HFA Discounts on The New Music Report and New Music Monthly

HFA affiliated publishers and licensees can get 10% off their registration for the 2007 CMJ Music Marathon, which takes place at The Puck Building in New York City October 16-20. In addition, affiliates can receive 15% off subscriptions to CMJ's weekly trade publication, The New Music Report, and 25% off subscriptions to the New Music Monthly, which includes a CD sampler in each issue.

The CMJ Music Marathon brings over 10,000 professionals from all sectors of the music business to New York to discover the best new music and discuss today's music business challenges. In addition to showcasing thousands of performers in clubs all over the city to more than 90,000 music consumers, CMJ Music Marathon hosts a variety of additional events, including panels, keynote speeches, film premieres, mentoring sessions, and tutorials. CMJ Music Marathon registration grants attendees entry to all daytime and nighttime offerings. Discounted registration is available until September 25, 2007.

To obtain the discounts for the Music Marathon Registration or the New Music Monthly, go to www.cmj.com and use the code **HFOX**. To obtain the discount on the New Music Report, you need to use a special form available in the "Special Offers & Discounts" area once you log into HFA Online as a registered user at www.harryfox.com. If you do not yet have an HFA Online account, contact HFA Publisher Services at publisherservices@harryfox.com or call 212-834-0100. *Please note that these offers are only valid for current HFA affiliated publishers and licensees; CMJ will validate the company status with HFA before the discount is applied.*

Panelists from HFA at Digital Music Forum West and CMJ

In addition to exhibiting at CMJ in New York, members of the HFA team will be on panels at that event as well as Digital Music Forum West in Los Angeles.

Maurice Russell, Vice President of Licensing, will be on the "Digital Rights & Clearances" panel at Digital Music Forum West on October 4 at The Hollywood Roosevelt Hotel in Los Angeles. More information on the event can be found at <http://www.digitalmusicforum.com/west/>.

At CMJ, Christos Badavas, Vice President and Senior Counsel, will be on the panel "Copyrights, Royalties and Music Legislation in the Digital Age" on October 16. Michele Olton, Senior Vice President of Human Resources and Administration, will participate in "Cover Letter Schmover Letter" on October 17.

If you are attending these events, be sure to check out these panels and say hello!

Save the Date: October 22

*The NMPA hosting an event in Los Angeles –
more details to come!*

Publisher Profile:

Bicycle Music

In the three years since The Bicycle Music Company was last profiled in HFA Soundcheck, the company has undergone a major evolution. Jon Rosner, now Co-President, says, “It’s been a time for growth. Bicycle had gone along the indie, boutique publisher path for many years. My father [David Rosner] decided he was going to retire, and it was time to enter phase two. In doing so, we teamed up with some incredible people.”

President and Chief Creative Officer Allan Tepper is part of that new team. Allan, a publishing industry veteran, was last with Paul McCartney’s MPL Communications as Vice President, Creative Services. He explains, “a little less than two years ago, Steve Salm, VP Business Development and I put together a team including financial partners with the purpose of forming a great new music company. I knew and liked Jon Rosner and Jake Wisely and heard they were looking to expand. We ended up pooling our resources with an eye on becoming a formidable new company within the music industry landscape.”



Allan Tepper (photo credit: Larry Busacca)

The Bicycle Music Company management team, located in New York City and Los Angeles, provides the company with strong collective credentials in creative services, entertainment management, artist development and copyright administration. In addition to Allan, Steve, and Jon, the company includes Chief Executive Officer Steve Smith, Chief Investment Officer Roger Miller, and Co-President Jake Wisely.

Roger emphasizes that the organizational and operational aspects of Bicycle are built on the executive strengths of a management team with a collective 100-plus years of value-enhancing success among them. “We take a very hands-on, active approach to music publishing,” he says. “We’re well-funded and staffed entirely with music publishing experts. We have the finances of a major publisher, but the heart and soul of an indie. What makes us an appealing publisher to the creative community is our effectiveness, nimbleness and the attention we provide to our clients and the catalogues. As a practical partner, we are proactive and industrious in creating and enhancing the livelihood of our songwriters and clients through creative development, innovative licensing, and relentless collection.”

Allan and Jon are now able to focus on signing new writers and exploiting Bicycle's rapidly growing catalog. In recent months, the company has made acquisitions that have added to its roster the works of Dave Peverett (Foghat), Night Ranger, Dwight Yoakam, Marty Balin (Jefferson Airline and Jefferson Starship) Steve Dorff, Cy Curnin (The Fixx), Kevin Cadogan (Third Eye Blind), and more. With the company's already diverse roster that included Neil Diamond, Dave Frishberg, Kool Keith, Stainless Music Corp., and 800 Pound Gorilla, these signings bring the Bicycle catalog to over 5,000 titles.

Roger observes, "Almost every day, we experience a new form of entertainment or come across a new content delivery service with music at the core of the offering. Music is more valuable than ever before to every entertainment experience in new and traditional media. As a music publisher, we are in the business of satisfying this demand and monetizing our music by licensing it in every new and innovative way."

"There are so many outlets for music to be enjoyed other than records," says Allan. "I think film and TV are the most exciting areas right now. The gratification is almost instant – you can pitch something for a TV show and end up seeing it air a few days later. Music is a bigger part of people's lives than it's ever been. Publishing is a tremendous part of that."

Allan's enthusiasm for film and TV is not surprising. He founded the commercial music department at Warner Chappell in 1991. He recalls that at that time, he was treated "as an outcast, I was the guy that 'sold out people's music.' Writers and artists didn't always want to talk to me. Then something changed later in the decade with Moby." Allan was part of the team that created Moby's groundbreaking licensing campaign, and suddenly, "I became the go-to guy. By the time I left to work at MPL, commercials, video games, and these other non-traditional outlets were a normal part of the process."

With its new influx of funding and talent, Bicycle is becoming an even more formidable force on the independent publishing scene. "We are excited to launch the new Bicycle Music, at a time when music publishers are expected to think and work outside of the narrow parameters of their conventional role. Count on Bicycle to demonstrate its ability to increase the popularity and earnings of the proven standards in its catalog, but also to inspire and nurture the hits of tomorrow," concludes Allan.

David Israelite to Speak at AIMP NY Event September 20

The New York chapter of the AIMP will host a "Report on Section 115 Reform" luncheon with David Israelite, President & CEO of the NMPA, on September 20 at 12 noon at the Princeton Club. The cost is \$65 for AIMP members, and \$75 for non members. The deadline for reservations for this event is September 17.

For more information or to register online for this event, go to www.aimp.org, or call 212-391-2532.

Word on the Street . . . HFA Affiliate Publisher News

olé has signed songwriter and producer **Mladen** to an exclusive worldwide publishing deal. olé will co-publish all of the three-time Juno Award nominee's future songs, plus five songs he's written for the rock group Lower Back Tatti, including "You're So Amazing," "Reach Out," and "Mary Street." Mladen co-founded the rock band Von Groove and has placed songs in *Hellraiser III: Hell On Earth*, *Pixel Perfect* and *The Matthew Sheppard Story*. olé has also signed songwriter and recording artist **Tebey Ottoh** to a worldwide co-publishing agreement. Under the terms of the agreement, olé will inherit a catalogue of seventy-five songs plus all compositions created over the life of the deal. Ottoh recently contributed the song "Radio" to the Big & Rich album *Between Raising Hell and Amazing Grace*.

peermusic reached an agreement to purchase 50% worldwide interest in **Malaco Music**, a publishing catalog known for its defining collection of Soul and Black Gospel music. In a separate acquisition, peermusic also purchased a 50% interest in the **Muscle Shoals Sound Music** catalogues, **Two Knight Music**, and the publishing entities of **Atlanta International Records**. While the sellers retain rights to the other 50% of the catalogues, peermusic will handle administration for all of the catalogues.

TV and film composer **Earle Hagen** has signed an exclusive worldwide administration deal with **Spirit Music Group**. Under the agreement, Spirit will represent more than 3,000 scores and themes composed for classic television shows such as *The Andy Griffith Show*, *The Dick Van Dyke Show*, *Mod Squad*, and *I Spy*, which earned Hagen an Emmy award for Best Theme in 1967. Spirit will also market and promote Hagen's TV themes for synchronization for new film/TV uses, ringtones, and games, as well as for creative uses in recordings, mixes, and sampling.

Universal Music Publishing Group (UMPG) has signed former Cars frontman and producer **Ric Ocasek** to an exclusive publishing administration agreement. UMPG will administer all of Ocasek's catalogue, including hits by the Cars such as "Drive," "Shake It Up," and "You Might Think." The agreement covers worldwide administration rights (excluding U.S.) as well as synchronization rights worldwide. The Cars broke into the rock scene in 1978 with their self-titled debuted album, which included the singles "Just What I Needed," "My Best Friend's Girl," and "Good Times Roll."

Warner/Chappell Music has signed a worldwide publishing agreement with three-time Latin Grammy Award-winning group **Calle 13**. The group is comprised of brothers René "Residente" Pérez Jorglar and Eduardo "Visitante" José Cabra. Under the agreement, Warner/Chappell Music will publish the catalog of Calle 13, including their self-titled 2005 debut album, their second album, "Residente o Visitante," released in 2007, and future compositions.

In Other News. . .

On September 20, the Los Angeles Chapter of the **AIMP** will host the lunch panel "Co-Publishing: Do You Want a Piece of Me?" at the House of Blues in West Hollywood. Moderated by attorney Don Passman, author of *All You Need to Know About the Music Business*, panelists include Kenny MacPherson of Chrysalis Music Group, Michael Lippman of Lippman Entertainment, and attorney Jill Berliner. For more information or to register online for either event, go to www.aimp.org, or call 818-771-5100.

"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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