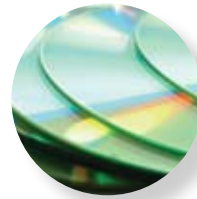


# hfa soundcheck

March 2009



## Licensing for Ringtones, Limited Downloads and Interactive Streams from HFA

Starting March 1, 2009, HFA will issue mechanical licenses for limited downloads, interactive streams, and ringtones at the new statutory rates set by the Copyright Royalty Board. Here are the ways you can obtain these licenses from HFA:

### **Limited Downloads & Interactive Streaming:**

Licenses to distribute limited downloads and interactive streams can be obtained through HFA's bulk licensing system. If you are interested in obtaining such licenses, please contact [newmedia@harryfox.com](mailto:newmedia@harryfox.com). Please note that in order to satisfy your obligations pursuant to licenses for the distribution of limited downloads and interactive streams, you must be able to report information such as service revenue, subscriber information, content costs, and applicable performance royalty expenses (all of which are more fully described in the guidelines below).

### **Ringtones**

Ringtone licenses will be available through eMechanical, HFA's online licensing application, or through HFA's bulk licensing process.



*More...*

HFA continues to offer statutory rate mechanical licensing for permanent digital downloads. Those that would like to license less than 2,500 permanent digital downloads can use [HFA's Songfile](#). Licensees with established HFA Online accounts can obtain permanent download licenses using eMechanical or our bulk licensing system.

### **Guidelines for Obtaining Limited Download & Interactive Streaming Licenses:**

- I. The online music service offering must be one or more of the following:
  1. **Standalone Non-Portable Streaming Only**  
User can listen to sound recordings only in the form of interactive streams and only from a non-portable device to which such streams were originally transmitted while device has a live network connection.
  2. **Standalone Non-Portable Mixed Use**  
A service where user can listen to sound recordings either in the form of interactive streams or limited downloads, but only from a non-portable device to which the streams or downloads are originally transmitted.
  3. **Standalone Portable Mixed Use**  
A service where the user can listen to sound recordings as interactive streams or limited downloads from a portable device.
  4. **Bundled Services**  
A subscription service offering one or more products or services bundled together with or without separate pricing for the service apart from the other bundled products or services.
  5. **Free and Ad-Supported Services**  
A service offering free of charge interactive streams and/or limited downloads to the end user.
- II. You must be able to provide the following monthly data regarding your website/online music service to HFA on a quarterly basis:
  1. Service revenue
  2. Subscriber numbers
  3. Content costs
  4. Applicable performance royalty costs
  5. Total number of plays of all musical works
  6. Number of defined promotional uses

If your music service is not one of the five offerings above, or you cannot provide all six pieces of information for your quarterly royalty reports to HFA in a verifiable manner, please contact [newmedia@harryfox.com](mailto:newmedia@harryfox.com) or call 212-834-0137.

*More...*

### **The Basics of Calculating Royalties for Limited Download & Interactive Streaming Licenses**

Unlike the statutory rates for physical formats, permanent digital downloads, and ringtones, the rates for limited downloads and interactive streams are calculated on an adjusted percentage of revenue basis. The rate depends on a number of variables, including service revenue, subscriber numbers, content costs, applicable performance royalty costs, and total number of plays of all musical works. These variables can be viewed on the HFA website [here](#).

Using these variables, the rate is to be calculated monthly and reported to HFA on a quarterly basis. The following is a basic example of how to perform the monthly calculation:

1. Determine which is less:
  - Percentage of Service's Label Content Cost *or*
  - Per Subscriber-based Minimum
  
2. Determine which is greater:
  - The result in Step 1 *or*
  - Percentage of service revenue
  
3. Subtract applicable Performance Royalties from result of Step 2
  1. Determine which is greater:
    - Result of Step 3 *or*
    - Second Per-Subscriber Minimum Floor (where applicable)
  2. The result of step 4 is then divided by all payable song uses to determine the per work royalty allocation. This is the royalty rate the service must then pay on all licensed works for that month.

If you have any questions, please contact your HFA licensing agent, or call HFA Publisher Services at 212-834-0100 or email them at [publisherservices@harryfox.com](mailto:publisherservices@harryfox.com). ●

## HFA's Research & Clearance Services Gets GRAMMY®-Nominated Tracks Licensed for Voter Listening Service

HFA was pleased to have collaborated with The Recording Academy® in order to quickly license their on-demand listening service of GRAMMY®-nominated tracks for voter consideration. HFA provided The Recording Academy with a one-stop shop for research and clearance services not only for catalogs already represented by HFA, but also for non-represented material, identifying all tracks for each nominated album in the selected categories, matching these sound recordings to the publishing ownership information, and obtaining mechanical licensing authority.

“Thanks to HFA’s robust database and extensive industry knowledge, we were able to license the requested GRAMMY-nominated categories in a period of less than two weeks from the announcement of the nominations,” said Gary Churgin. “This is the second year we have worked closely with The Recording Academy on this GRAMMY voter listening service, and we look forward to a continuing relationship in the years to come.”

“In this digital era, it was critical for us to quickly get these tracks up on the GRAMMY website for voter consideration, and HFA’s staff did a remarkable job in researching and clearing a high volume of licenses,” said Neil Portnow, President/CEO of The Recording Academy. “With more than 80 years of experience, HFA has established deep relationships with publishers and record labels and is respected as the one place to go for mechanical licensing and administration services.” ●

## New! Publisher Annual Reports now on HFA Online

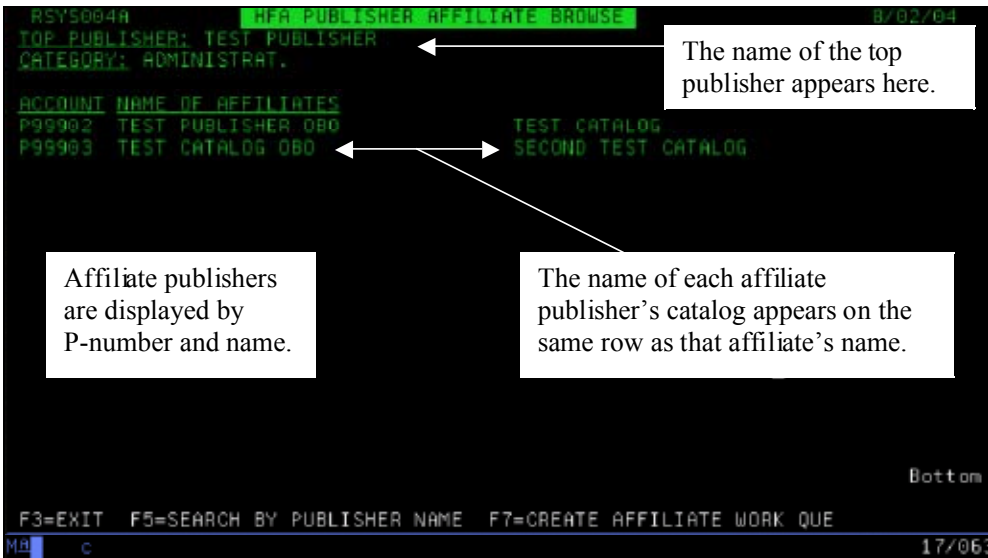
We have introduced a new HFA online reports option, Publisher Annual Reports. These provide summaries of your company’s HFA Licensing and Royalty Payment activity for the previous year and for the past five years. A report of Total HFA Distributions for these time periods is also available, which will allow you to calculate your HFA marketshare. Publisher Annual Reports reflect your company’s HFA activity at the end of that particular calendar year, and will not be adjusted should you have future catalog changes.

These reports have been made available to your company’s HFA Online Organization Administrators, who can then assign access credentials to HFA Online users within your company as needed. Once you have the proper credentials, the reports can be accessed after logging in to the secure registered users area of [www.harryfox.com](http://www.harryfox.com) in the Reports area, in the folder titled “Publisher Annual Reports.”

We hope you will find these reports a useful summary of your HFA activity. If you have any questions, please contact HFA Publisher Services at 212-834-0100 or email [publisherservices@harryfox.com](mailto:publisherservices@harryfox.com). ●

# POLI+ Pointers - Affiliate List

A CONTINUING SERIES



The **Affiliate List** option enables you to view your chain of affiliated publishers, if applicable, as you have them listed with HFA. Affiliate publishers and their catalogs are displayed according to their relationship to the “top publisher” HFA account; groups of affiliated publishers existing at the same level within a top publisher’s hierarchy are displayed on this screen according to their P-number (publisher number).

To access the **Affiliate List** option, type its complete number (“04”) in the “**Option**” field from the POLI+ main menu.

Once you select the **Affiliate List** option from the POLI+ main menu, the **HFA Publisher Affiliate Browse** screen will automatically open.

The name of the top publisher in the publishing hierarchy is displayed in the upper left corner of this screen. Affiliate publishers (sub-publishers) associated with that top publisher are listed by P-number and name.

The <F5> (Search By Publisher Name) key opens the **HFA Publisher Affiliate Browse** screen, where you can search within this list by specific keywords. ●

Last month: Song Inquiry

**Next month:** Licensee Address Inquiry.

# events

## Reminders...

ASCAP is hosting its first **ASCAP New York Sessions**, a one-day career boosting event designed to strengthen the skills, knowledge and craft that music creators need to succeed in today's music business, on March 10, 2009 at Frederick P. Rose Hall, home of Jazz at Lincoln Center in New York City. The event will feature a keynote interview with Grammy Award-winning singer-songwriter Rob Thomas, in addition to educational panels and informative technology demos. HFA will be exhibiting at this event, so please stop by and say hello. Until March 3, pricing for ASCAP members is \$55, and non-ASCAP members \$75. For more information and to register, go to [www.ascap.com/sessions](http://www.ascap.com/sessions).

## Other upcoming events:

### March

Annual ASCAP  
Latin Music Awards  
[San Juan, PR . . . . .](#) March 3

Billboard Music &  
Money Symposium  
[New York, NY . . . . .](#) March 5

Puerto Rico  
International Music  
Business Conference  
[San Juan PR . . . . .](#) March 6

Annual Canadian  
Music Week  
[Toronto, Canada . . . . .](#) March 11-14

SXSW  
[Austin TX . . . . .](#) March 13-22

Tin Pan South  
Songwriter Festival  
[Nashville TN . . . . .](#) March 31 – April 4

Leadership Music  
Digital Summit,  
[Nashville TN . . . . .](#) March 23-25

Winter Music  
Conference  
[Miami FL . . . . .](#) March 24-28

Urban Network Entertainment  
Marketing Summit  
[Newport Beach, CA. . .](#) March 26-29

Church Music Publishers  
Association Conference  
[Ojai, CA . . . . .](#) March 30 – April 2

### April

CTIA-  
The Wireless  
Association Conference  
[Las Vegas, NV . . . . .](#) April 1-3

Rock and Roll  
Hall of Fame Induction  
[Cleveland, OH . . . . .](#) April 4

ASCAP  
Pop Music Awards  
[Los Angeles, CA . . . . .](#) April 9

Gospel Music Association  
Music Week  
[Nashville, TN . . . . .](#) April 18-22

Billboard Latin  
Music Conference  
[Miami, FL . . . . .](#) April 20-23

ASCAP  
"I Create Music" Expo  
[Los Angeles, CA . . . . .](#) April 23-26

Mobil  
Entertainment Summit  
[Las Vegas, NV . . . . .](#) April 20-23

Musexpo Annual  
GMA Music Awards  
[Nashville, TN . . . . .](#) April 23

United Nations of  
Music & Media  
[West Hollywood, CA . .](#) April 26-29

### News

**Cherry Lane Music Publishing Company, Inc.** has signed songwriters **Sam and Annie Tate** to a long-term, worldwide co-publishing agreement. The duo have written for top country artists such as Rodney Atkins, Reba McEntire, Randy Travis, Collin Raye, Gary Allen, Joe Nichols, Emerson Drive, Mark Wills, Montgomery Gentry, Buddy Jewell, Ty Herndon, Kevin Sharp, Sammy Kershaw, and Chad Brock, among others. The Tates' music has also been heard in television ("ER," "Simon and Simon," "The Fall Guy," "The Incredible Hulk"), in ads (The Gap, Coors, Pepsi-Cola, Gino's Pizza, General Motors) and in films ("Miss Congeniality II," "Space Truckers," "Black Dog," "Paradise," "The Big One"). Sam and Annie Tate have been awarded more than a dozen gold, platinum and multi-platinum records. They have received two prestigious Nashville Songwriters' Association Creativity Awards as well as two ACM nominations for Song of the Year. In 2006 the Tates were named SESAC's Songwriters of the Year.

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



Shown above in Hans Zimmer's Remote Control Studios in Santa Monica are (from left): Russell Emanuel, co-CEO of Extreme Music, Snoop Dogg, and Dolph Taylor, co-CEO of Extreme Music.

(photo credit: Craig Barritt)

**Extreme Music**, the worldwide production music unit of **Sony/ATV Music Publishing**, launched its multi-CD "G Series" – executive-produced by **Snoop Dogg** – at an exclusive preview listening session for 35 of the industry's most influential music supervisors. Snoop played a selection from the first five albums in the series which was February 9. When completed, the series is projected to be the production music industry's definitive Urban Music series.

**ole** and its music-publishing co-venture **tanjola** are pleased to announce the signing of multi-million selling songwriter, producer and remixer **Alex Greggs** to a worldwide co-publishing deal. In addition to co-publishing the new music he creates under the terms of the agreement, **ole tanjola** will inherit 350 songs from the Alex Greggs catalogue to add to **ole's** song library, including numbers from the chart-topping 'NSYNC albums *No Strings Attached* and *Celebrity*, which combined to sell more than 20 million copies in North America alone. Greggs' writing credits also include Brandy, Ricky Martin, Love Inc., JC Chasez, Paris Hilton, former *American Idol* finalist Blake Lewis and rising Canadian superstar Keshia Chanté.

# more word

on the street



## People

**Bug Music Publishing**, the largest independent contemporary music publisher in the world, has appointed renowned songwriter and independent publisher **Roger Murrah** to senior vice president, Nashville, it was announced on January 26 by Bug Music CEO John Rudolph. Effective immediately, Murrah will be overseeing the Bug Music office in Nashville and will report directly to CEO John Rudolph. With over three decades inside the music industry, Murrah's key responsibilities will be directing the overall objectives of Bug Nashville, managing the Bug Music collection of copyrights, as well as continued songwriting and development of staff writers. Under the terms of the deal, Bug Music has also acquired a portion of Murrah Music and its associated catalogs. Murrah Music staff writers Neal Coty, Rebecca Lynn Howard, Jon Henderson, Lisa McCallum, Robert Deitch and Matt Dame will move under the Bug Music umbrella.

## “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](http://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.

If you have any comments regarding HFA Soundcheck, please contact Laurie Jakobsen at 212-834-0133 or email [soundcheck@harryfox.com](mailto:soundcheck@harryfox.com).

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Established in 1927 by the National Music Publishers' Association, HFA represents almost 36,000 music publishers for their licensing needs in the United States, issuing licenses and collecting and distributing the associated royalties. In addition to being the premier mechanical licensing agent in the U.S., which includes CDs, ringtones, digital downloads, interactive streams, limited downloads and more, HFA is dedicated to finding new ways for its affiliates publishers to recognize value for their catalogs, including lyrics and tablature. Further, HFA 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](http://www.harryfox.com).

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