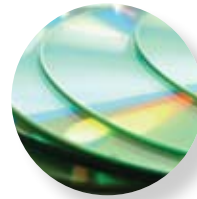


# hfa soundcheck

October 2009



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

There has recently been a swirl of stories in the media regarding “pending and unmatched” monies owed to publishers by the major labels and the roles of NMPA and HFA. I’d like to set the record straight regarding HFA’s role in this effort to obtain publishers’ proper royalty payments.

The term “pending & unmatched” refers to estimated royalties that have not been paid to a Publisher or HFA because a record label has not obtained a license or matched a license to a royalty obligation. A record label is often unable to complete a license request when it lacks information about a composition, when that composition’s ownership is in dispute, or when it believes that it is entitled to a reduced or controlled rate.

For at least a decade, HFA’s pending and unmatched program has enabled money to move through the system while licensing matters are sorted out. As part of our royalty compliance exam process, a number of labels – though not all of them - have agreed to make estimated advance payments to HFA for pending and unmatched transactions. In this manner, monies are being held by HFA, an organization controlled by the music publishers, rather than by the record labels, until they can be paid out.

As licenses are obtained, the royalties are deducted from the HFA “P&U” advances and paid to the specific publishers. Newly-released, but unlicensed, product results in estimated royalties being added to the HFA P&U advance.

[More...](#)



## a few words...

Unfortunately, the labels have never been able to completely bring their licensing up to date, making it difficult for HFA to distribute all of the funds to publishers and songwriters on a title-bound basis.

HFA has done everything short of commencing a lawsuit to resolve its pending and unmatched issues. However, in the last mechanical royalty rate hearings, the Copyright Royalty Board established a late fee. The imposition of a late fee on the pending and unmatched dollars brought this issue to a head, and motivated the labels to reach out to the publishers to find a workable solution to distribute these held funds.

The RIAA and the NMPA, supported by HFA, are now working to resolve this long-standing issue. The P&U advance funds at HFA, totaling approximately \$50 million, are being considered as part of the overall pool that is owed by the labels to the publishing industry. I'm looking forward to the implementation of the licensing practices intended to resolve this long-standing practice which should result in more regular and timely distributions. HFA funded the NMPA's and the songwriters' CRB efforts, at a cost of over \$20 million – it appears that just the money from the pending and unmatched distribution alone will make that investment a bargain. ●



### Go Paperless for HFA Royalty Statements & Licensing Reports

Subscription service royalties will add thousands of lines of data to your royalty reports. You can save time and money – not to mention trees – by going paperless for your HFA Royalty Statements and Licensing Reports. These reports are available to you at your HFA Online account 24/7. You can easily sort, manage and store the information electronically, instead of boxes of paper documents piling up in your office.

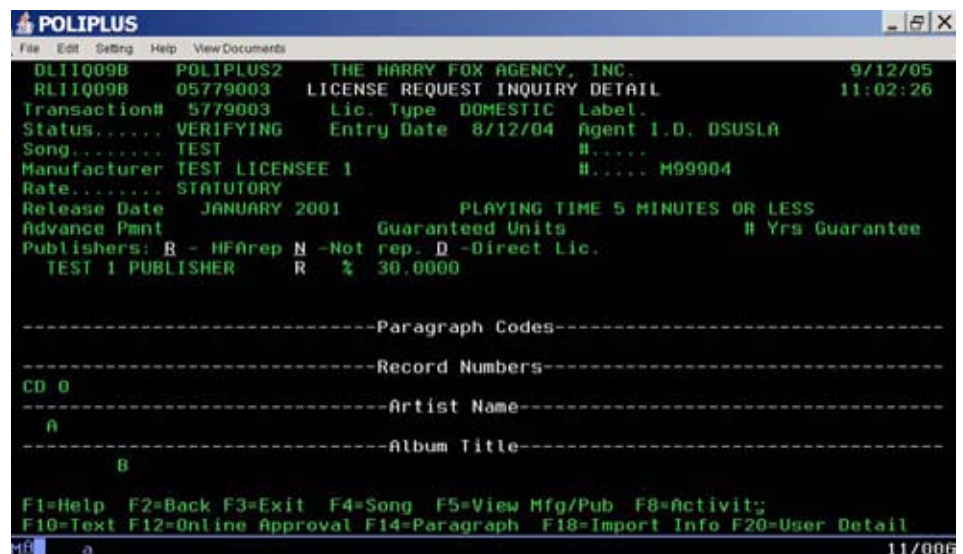
For now, we will continue to send you paper for licensees that do not report electronically, but we plan to start electronically scanning these documents in 2010, so you can be completely paperless.

You can sign up at any time, but if you would like to be paperless by the November distribution, please let us know by **November 16**. Contact your HFA Publisher Services agent, or use the main Publisher Services phone (212-834-0100) or email ([publisherservices@harryfox.com](mailto:publisherservices@harryfox.com)).

# POLI+ Pointers - License Request Approvals

A CONTINUING SERIES

Using the POLI+ License Request Approval option, HFA publishers can easily review, respond to and approve non-statutory mechanical license requests as well as approve song ownership/splits through their HFA Online account. The Online Approval area allows you to respond to pending license requests that require your approval before being licensed.



```
POLIPLUS
File Edit Setting Help View Documents
DL11Q09B POLIPLUS2 THE HARRY FOX AGENCY, INC. 9/12/05
RL11Q09B 05779003 LICENSE REQUEST INQUIRY DETAIL 11:02:26
Transaction# 5779003 Lic. Type DOMESTIC Label.
Status..... VERIFYING Entry Date 8/12/04 Agent I.D. DSUSLA
Song..... TEST #.....
Manufacturer TEST LICENSEE 1 #..... M99904
Rate..... STATUTORY
Release Date JANUARY 2001 PLAYING TIME 5 MINUTES OR LESS
Advance Pmnt Guaranteed Units # Yrs Guarantee
Publishers: B - HFArep N -Not rep. D -Direct Lic.
TEST 1 PUBLISHER R % 30.0000
-----Paragraph Codes-----
-----Record Numbers-----
CD 0
A
B
F1=Help F2=Back F3=Exit F4=Song F5=View Mfg/Pub F8=Activity;
F10=Text F12=Online Approval F14=Paragraph F18=Import Info F20=User Detail
HF a 11/006
```

Once you have launched POLI+ from HFA Online, type the complete number for the option you want in the “Option” field from the POLI+ main menu, Online License Approval (“05”) and press the Enter key. This screen will show all pending license requests for which HFA has sent a mailing to your publishing company for verification of rate and/or publisher ownership/split. By default, it will show activity within the past six months. You can revise the search criteria at anytime to focus your search results. Please refer to the POLI+ User Manual for a complete list of search options.

[More...](#)



Place an “X” on the line next to the license request you would like to view. This will bring up the License Request Inquiry Detail screen, which will give you the request details. Press the <F8> key to bring up the mailing activity details for the selected license request. There may be multiple activity lines - one for each publisher requiring approval. Place your cursor on the line pertinent to you. Press the <F4> key to view the mailing details the HFA Licensing Agent has entered. To view song

details select <F4>, select <F10> to view free-form text that has been added to the license request. If you need to view supporting documentation for the license request (i.e. controlled rate agreement, rate calculation sheets, etc.) select “View Documents” on the menu bar at the top of the License Request Inquiry Details screen. If you are satisfied with the information on the inquiry details screen and are ready to approve or comment, the online license approval can be performed from that screen by selecting the <F12> key.



The Publisher Status field reflects the approval condition of the license, as assigned by the publisher. You can prompt on the field using the <F4> key to see the valid list of status codes with their descriptions or you can refer to the POLI Manual for more details. You can make your selection by entering an “X” next to the status you want and pressing the <ENTER> key. You can add

additional comments by entering text in the space below “Response to HFA Notice” line. Once all information is entered, press the <F5> key to save the approval details. Once approved, the response date field is auto-populated with the date you approved the license request. An HFA Licensing Agent that initiated the mailing will receive notification of your approval and will review and take the appropriate action per your response.

You can reopen and edit a license request which you have already responded to as long as it remains in “Verifying” status by selecting the <F18> key. When a license request is reopened you can revise the status and/or data and comments. Please note that once the request is licensed you cannot edit your response.

If you have questions about License Request Approvals, contact Publisher Services at 212-834-0133 or email [publisherservices@harryfox.com](mailto:publisherservices@harryfox.com).

## HFA Reaches a Licensing Milestone with Songfile® Songfile's Top 25 Most-Licensed Songs Revealed

HFA is pleased to announce that its Songfile online licensing service now has over 60,000 registered users, to whom the company has issued almost 168,000 physical format licenses and more than 32,000 digital licenses since October 2005. In total units, those licenses cover almost 21.5 million recorded works. Songfile was developed for musicians looking to obtain licenses for releases of 2,500 copies or fewer – bands, indie labels, schools, and church groups. The iconic “Over The Rainbow” from *The Wizard of Oz*, written by Harold Arlen and E.Y. Harburg and published by EMI Music Publishing, is Songfile’s most-licensed song.

“Our over 60,000 registered users attest that Songfile is the go-to site for fast and easy mechanical licensing,” said Maurice Russell, Vice President of Licensing, Collections and Business Affairs, HFA. “Just through August, Songfile has earned HFA publishers nearly \$1.7 million in commission-free royalties in 2009 – and the fall is usually the busiest season for Songfile, as band and choir directors prepare for their holiday concert recordings.”

Songfile’s Top 25 Most Licensed Songs, listed at right, display the cross-section of musical styles in HFA’s extensive song catalog, spanning decades of recorded music – from classic standards, to holiday favorites, to the rapidly expanding spiritual market.

Song Title	Songwriter(s)	Publishing Company
1 Over The Rainbow	Harold Arlen and E.Y. Harburg	EMI Music Publishing Group
2 Have Yourself a Merry Little Christmas	R. Blane and H. Martin	EMI Music Publishing Group
3 The Christmas Song (Chestnuts Roasting On An Open Fire)	Mel Torme and Robert Wells	Sony/ATV Music Publishing, LLC and MPL Communications, Inc.
4 Summertime	George and Ira Gershwin and Dubose Heyward	Warner Chappell Music, Inc.
5 White Christmas	Irving Berlin	Williamson Music Co.
6 I'll Be Home For Christmas	Walter Kent, Kim Gannon and Buck Ram	Gannon & Kent Music Co. and Carlin America, Inc.
7 Little Drummer Boy	Katherine K. Davis, Henry Onorati and Harry Simeone	EMI Music Publishing Group and International Korwin Corporation
8 Winter Wonderland	Felix Bernard and Dick Smith	Warner Chappell Music, Inc.
9 What a Wonderful World	George David Weiss and George Douglas aka Bob Thiele	Memory Lane Music Group, Windswept Holdings, LLC and Carlin America, Inc.
10 You Raise Me Up	Brendan Graham and Rolf U. Lovland	Universal Music Publishing Group and Southern Music Publishing Company, Inc.
11 My Funny Valentine	Lorenz Hart and Richard Rodgers	Warner Chappell Music, Inc. and Williamson Music Co.
12 Mary, Did You Know?	Mark Lowry and Buddy Greene	Warner Chappell Music, Inc. and WM. J. Gaither Music
13 Let It Snow, Let It Snow, Let It Snow	Jule Styne and Sammy Cahn	Warner Chappell Music, Inc.
14 Silver Bells	Jay Livingston and Ray Evans	Sony/ATV Music Publishing, LLC
15 How Great Thou Art	Stuart K. Hine	Manna Music, Inc.
16 Santa Claus Is Coming To Town	J. Fred Coots and Haven Gillespie	Memory Lane Music Group and EMI Music Publishing Group
17 Do You Hear What I Hear?	Gloria Shayne and Noel Regney	Regent Music Corporation
18 Georgia On My Mind	Hoagy Carmichael and Stuart Gorrell	Southern Music Publishing Company, Inc.
19 Autumn Leaves	Joseph Kosma, Johnny Mercer and Jacques Prevert	SDRM and MPL Communications, Inc.
20 At Last	Harry Warren and Mack Gordon	EMI Music Publishing Group
21 Christmas Time Is Here	Vince Guaraldi and Lee Mendelson	Lee Mendelson Film Productions, Inc.
22 Nearness of You	Hoagy Carmichael and Ned Washington	Sony/ATV Music Publishing, LLC
23 Night and Day	Cole Porter	Warner Chappell Music, Inc.
24 The Prayer	David Foster and Carole Bayer Sager	Warner Chappell Music, Inc.
25 Moon River	Henry Mancini and Johnny Mercer	Sony/ATV Music Publishing, LLC

# notes

from nashville

**By Danielle Boone**  
Team Lead, Publisher Services

My regular visits to Nashville have allowed me to participate in some great events. I was honored to participate in the 10th Annual Americana Music Association Conference where I spoke on a panel moderated by Big Machine's Wayne Milligan, along with John Simson from SoundExchange and Tim Fink from SESAC (*see photo at right*). Our panel, "Who's Collecting for You" highlighted existing and new revenue opportunities and what each of our companies is doing on your behalf to collect these royalties. While there, I was fortunate enough to see a few of the showcases, including Sam Bush, Will Hoge, Radney Foster, J.D. Souther and the Nitty Gritty Dirt Band.

One highlight was the Leadership Music Dale Franklin Awards which honored Garth Brooks, Allen Reynolds and Jim Foglesong. It was a very special evening of tributes and performances. In one of the most moving moments of the evening, Trisha Yearwood performed "To Make You Feel My Love" honoring her husband Garth. Closing out the evening was a special performance from Garth himself, which included such great songs as "Friends in Low Places."

As a new member of the Copyright Society of the South, I attended their recent luncheon where it was nice to catch up with some of our publishers such as Kent Draughon from EMI Christian, Carrie Wilkins and Tim Stehli from Hori Pro, and Tony Gottleib of ACF Music Group.

On September 21st, NSAI hosted its annual "The World's Largest #1 Party," honoring all of the top songwriters of the year. It was great to see so many of our publishers' writers honored. In addition, NARAS' Neil Portnow was on hand to receive the NSAI's President's Choice Award.



While I enjoy all of these events, most of my time in Nashville is spent meeting with our publishers. On my recent visits, this included Cal IV Entertainment, Sony/ATV Music Publishing, Ten Ten Music Group, Songwriters Guild of America, Mike Curb Music Publishing, Major Bob Music, Conexion Media Group, Inc. and Hori Pro Entertainment Group.

Looking ahead, I'll be back in Nashville the weeks of October 19th and November 9th. If you would like to meet while I'm there, email me at [dboone@harryfox.com](mailto:dboone@harryfox.com). Hope to see you at the Nashville Songwriters Hall of Fame Induction Ceremony and the CMA Awards! ●

## Industry Mourns Passing of Freddy Bienstock



HFA and NMPA The National Music Publishers' Association mourns the passing of a longtime colleague and legend in the music publishing industry, Freddy Bienstock.

Bienstock, who served on the HFA and NMPA's Boards of Directors for nearly 20 years, passed away September 20 in New York.

"More than an icon and leader in the music publishing industry, Freddy was a cherished friend and colleague," said Irwin Robinson, NMPA Chairman of the Board. "I was privileged to serve with him for many years on our board. He will be dearly missed by all of us in the music industry."

David Israelite, NMPA President and CEO, said, "I was deeply saddened to learn of the passing of my friend and colleague, Freddy Bienstock. Freddy's passion for music and commitment to artists and songwriters made him a giant in our industry, and his legacy will not soon be forgotten."

"Freddy was one of the last true 'music men,' one of the creators of the music industry as we know it today," added HFA's Gary Churgin. "My deepest condolences to Miriam, Caroline, Robert, and the Beinstock and Carlin Music families."

Bienstock was the founder of independent music company Carlin, where he built an expansive catalog of more than 100,000 of America's best-loved hits, including classics like "Fever," "Happy Together," "I Got You (I Feel Good)," and "Cabaret." Bienstock began his storied career in the stock room of publisher Chappell and Company, later becoming its Chairman.

He served on the HFA and NMPA Boards from 1989 until 2008. He also served on the board of ASCAP. ●

## Songwriters! Join Other Artists to Ask U.S. Administration to Protect Copyright



The Copyright Alliance, of which HFA is a member, and its grassroots network of creators is circulating among creators nationwide a letter to President Obama and Vice President Biden, asking the Administration to pursue policies supportive of the rights of artists.

Within a few days of the announcement of this effort in late September, the Alliance's grassroots network garnered nearly 7,000 electronic signatures. Signers include authors, photographers, songwriters, graphic designers, filmmakers, musicians, publishers, jewelry designers, web designers, photojournalists, illustrators, video game developers, architects, cartoonists, composers, playwrights, voice actors, animators, sculptors, painters and videographers.

If you would like to add your voice to this letter, you can do so at [www.copyrightalliance.org/letter](http://www.copyrightalliance.org/letter). The Alliance intends to deliver the letter to the Administration later this fall. ●

### Reminders...

HFA and NMPA: West Coast Music  
Publisher & Songwriter Reception  
Los Angeles, CA . . . . . October 20

CMJ Music Marathon & Film Festival  
New York, NY . . . . . Oct 20 – 24

AIMP NY Panel – Both Sides of  
the Story: The Scoop on  
Publishers That Own Masters  
New York, NY . . . . . October 21

AIMP LA Panel - The Catalog  
Acquisition From Hell  
Los Angeles, CA . . . . . October 22

Digital Media Conference West  
San Francisco, CA . . . . . October 28

Hollywood Reporter, Billboard  
Film & TV Music Conference  
Los Angeles, CA . . . . . Oct 29 - 30

American Music Awards  
Los Angeles, CA . . . . . November 1

Latin Grammy Awards  
Las Vegas, NY . . . . . November 5

BMI Country Awards  
Nashville, TN . . . . . November 10

CMA Awards  
Nashville, TN . . . . . November 11

Media & Money: The Intersection  
of Media, Entertainment  
and Wall Street  
New York, NY . . . . . Nov 12 – 13

Future of Television Conference  
New York, NY . . . . . Nov 18 – 19

HFA affiliate publishers, send us your news! Send new signings, employee announcements, life notes (births, weddings, obituaries) to [soundcheck@harryfox.com](mailto:soundcheck@harryfox.com).

## News

**Selectracks**, the production music division of Bug Music, has signed a licensing deal with independent classical music label **Denon Classics**. Under the terms of the deal, Selectracks will now offer over 12,000 prestigious recordings from Denon's catalog of classical music from the Savoy Label Group for film and television licensing in the United States. The Denon catalog, which contains over 12,000 high-end classical recordings, features award winning performances from soloists and conductors like Alicia DeLarrocha, Sviatoslav Richter, Igor & David Oistrakh, Kiril Kondrashin, and Yvgeny Mravinsky. Orchestras in the catalog include London Symphony & Philharmonic Orchestras, Berlin Symphony, Concertgebouw, Moscow and Leningrad Philharmonic Orchestras, and many others.

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## People



**Spirit Music Group** has appointed **Paul Greco** to the newly-created post of Senior Creative Director. A 20-year advertising executive, Mr. Greco will pitch Spirit catalog songs for use in advertising campaigns, work with agencies and consumer product companies to secure branding opportunities for the company's writer/artists and help author marketing plans for new clients. He will report directly to Peter Shane, Vice President, Creative Services. Prior to joining Spirit, Greco was Vice President/Executive Music Producer & Supervisor at Young & Rubicam (NY), where he oversaw music production, designed audio strategies and directly managed client relationships for such companies as Kraft/General Foods and Colgate/Palmolive. He holds a Certificate in Business Administration from Fordham University, a Certificate in Music Theory from Trinity College and a BA in Communication Arts from Iona College.

*"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](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 over 37,000 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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