



## CRB Update

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

We have just completed another phase of the Copyright Royalty Board hearings on the next schedule of compulsory mechanical rates. As you know, The National Music Publishers' Association is representing the music publishers' interests in hearings before the Copyright Royalty Judges. These hearings are particularly significant as, for the first time, rates for online distribution will be included.

The initial hearing lasted four weeks, ending February 27, 2008. Witnesses supporting the case for an increased rate were David Israelite of the NMPA; publishers Irwin Robinson, Ralph Peer, Roger Faxon, Nicholas Firth, and Bob Doyle; and songwriters Rick Carnes, Steve Bogard, Jud Friedman, Maia Sharp, Phil Galdston, Victoria Shaw, and Stephen Paulus.

We just completed the rebuttal phase of the hearing on May 21, 2008. Our additional witnesses during the rebuttal included Jeremy Fabinyi from MCPS-PRS, Al Pedecine from HFA, and economist Kevin Murphy. Mr. Fabinyi's testimony in particular helped us to explain to the judges the nature of non-U.S. royalty rates for reproduction rights and their differences from the American model. Also, Ketan Mayer-Patel, Computer Science Professor at the University of North Carolina, presented the basis for the inclusion of interactive streams within the purview of Section 115 of the U.S. Copyright Act and musicologist Judith Finell presented her analysis on master ringtones.

Looking ahead, starting July 2, 2008, the NMPA and other parties will present their proposed findings of fact and conclusions of law, which are essentially summations in writing of their legal positions and the evidence presented in the initial hearing and rebuttal phases. Rebuttals to those summation documents and closing arguments will also be completed in July. The final decision by the judges is expected on October 2, 2008.

It has been a long time to wait, but we at HFA are already planning the implementation of the results so we can finally distribute the mechanical royalties for subscription services for the past seven years. We're looking forward to getting those long-awaited royalties out to our publishers.

A handwritten signature in blue ink, appearing to be 'G. Churgin', is positioned to the right of the main text.

## **Recent HFA Press Releases**

### **HFA en Español Debuts Online**

HFA has added a Spanish language section to its website, [www.harryfox.com/espanol](http://www.harryfox.com/espanol). HFA en Español has answers to frequently asked questions regarding HFA and music licensing, along with a direct email, [esp@harryfox.com](mailto:esp@harryfox.com), which goes directly to the company's Latin Licensing agents.

"HFA is aware of the significant demand for Spanish language recordings in the U.S., and we have a dedicated team of licensing agents for the Latin market who are fluent in Spanish and are ready to assist labels and publishers with their mechanical licensing needs," said Gary Churgin. "We will continue to develop our specific Spanish language service as needed to best serve this market."

According to RIAA reports, almost 7% of CDs shipped in the U.S. in 2007 were in the Latin music genre, defined as having 51% of material in Spanish.

*- Note: This press release was also issued in Spanish.*

### **The Harry Fox Agency and RightsFlow Enter Download Licensing Arrangement**

In May, HFA and RightsFlow, a provider of licensing and royalty services, announced that they have entered a licensing arrangement for full-length, permanent digital downloads.

"We are very excited to begin this relationship with HFA," stated Patrick Sullivan, President and CEO of RightsFlow. "Our clients look to us to provide a turnkey outsourced solution for publishing licensing and royalty administration. Working with HFA is a key step that will allow us to license and account more swiftly and efficiently, allow our clients to get more product available for sale, and create greater value for all."

"This arrangement illustrates how HFA provides business solutions that facilitate the distribution of music by enabling RightsFlow to act as a licensee on behalf of its clients," said Gary Churgin. "Rightsflow will use HFA's bulk licensing system to handle mechanical licensing, ensuring that publishers and songwriters are properly compensated under U.S. law."

HFA began offering bulk digital download licensing in 2002.

# HFA Soundcheck Reader Survey

We are looking at ways we can improve HFA Soundcheck, and we would appreciate your taking a few moments to give us your feedback in this short survey. You can respond to these questions online at [http://www.surveymonkey.com/s.aspx?sm=icXZ5614juDNzLCOqzQtw\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=icXZ5614juDNzLCOqzQtw_3d_3d) or tear out this page and send it to us at the address on the reverse. Your honest feedback is important to us, so please note that your responses will be kept anonymous.

**Do you obtain HFA Soundcheck by (check one):**

- Email/website
- US mail
- Both

**How do you prefer to receive HFA Soundcheck (check one)?**

- Email/website
- US mail
- Both

**How often do you read HFA Soundcheck?**

- Every issue
- Occasionally
- Rarely
- Never

**Currently, Soundcheck is sent 10 times a year. Do you find this frequency:**

- Just right
- Prefer more frequent updates (circle one) bi-weekly weekly
- Prefer less frequent updates – quarterly is fine
- Not interested in receiving it at all

**What sections of HFA Soundcheck are most interesting to you (rank each on scale of 1-5, with one being the least interesting and 5 being the most interesting)?**

Letter from Gary Churgin	1	2	3	4	5
HFA News/Announcements	1	2	3	4	5
Explanations of HFA procedures/tools	1	2	3	4	5
Discounts	1	2	3	4	5
Industry Events	1	2	3	4	5
Industry/Technology News	1	2	3	4	5
Publisher Profile	1	2	3	4	5
Publisher News (Signings)	1	2	3	4	5

**Is there anything you would like to see more of in HFA Soundcheck?**

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**Are you a:**

- Publisher
- Licensee
- Both
- Other: \_\_\_\_\_

**How long have you been affiliated with HFA?**

- 1-4 years
- 5-9 years
- 10-15 years
- More than 16 years

**Approximately how much revenue from all sources did your HFA-affiliated company(ies) earn last year?**

- 0-\$10,000
- \$10,001-\$50,000
- \$50,001-\$100,000
- More than \$100,000

**What music and industry publications do you read (check all that apply)?**

- |   |  |
|---|--|
| <input type="checkbox"/> American Songwriter      | <input type="checkbox"/> Jazziz                |
| <input type="checkbox"/> Billboard                | <input type="checkbox"/> JazzTimes             |
| <input type="checkbox"/> CCM                      | <input type="checkbox"/> Music & Copyright     |
| <input type="checkbox"/> Christian Music Magazine | <input type="checkbox"/> Music Connection      |
| <input type="checkbox"/> Guitar Player            | <input type="checkbox"/> Music Row             |
| <input type="checkbox"/> Guitar World             | <input type="checkbox"/> Performing Songwriter |
| <input type="checkbox"/> Hits                     | <input type="checkbox"/> Rolling Stone         |
| <input type="checkbox"/> Impact                   | <input type="checkbox"/> Spin                  |
| <input type="checkbox"/> Hollywood Reporter       | <input type="checkbox"/> Variety               |
| <input type="checkbox"/> Other: _____             |  |

**Please provide any further feedback to help us make HFA Soundcheck more useful to you:**

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Please return your feedback through

[http://www.surveymonkey.com/s.aspx?sm=icXZ56I4juDNzLCOqmqzQtw\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=icXZ56I4juDNzLCOqmqzQtw_3d_3d) or by fax or mail by **July 31, 2008**.

Via fax: 646-487-6133

Via mail:       HFA Soundcheck Feedback  
                  HFA  
                  601 West 26<sup>th</sup> Street Suite 500  
                  New York NY 10001

Thank you very much for taking the time to respond.

## HFA Announces New Board Members

*Bob Doyle of Major Bob Music, Dave Johnson of Warner/Chappell,  
Dean Kay of Demi Music Corp. and Evan Medow of Secret Sauce Music*

In May, HFA announced that Bob Doyle of Major Bob Music, Dave Johnson of Warner/Chappell, Dean Kay of Demi Music Corp. and Evan Medow of Secret Sauce Music have been elected to its Board. HFA's Board is selected from the members of the Board of Directors of The National Music Publishers' Association.

"I congratulate Bob Doyle, Dave Johnson, Dean Kay and Evan Medow on their election to the HFA Board," said HFA and NMPA Board Chairman Irwin Z. Robinson. "I know that with their experiences running all types of publishing companies around the country, and their close relationships with songwriters and performing artists, they will make great contributions to the board of the agency."

"I have already had the pleasure of working with Bob, Dave, Dean and Evan on the NMPA Board, and now I look forward to an even closer relationship with them as members of the HFA Board," said Gary Churgin, President and CEO of HFA. "The diverse group of HFA Board members represents the interests of HFA's over 35,000 publisher affiliates, and I know they will provide us wise counsel as we continue to evolve HFA's operations."

HFA's complete Board of Directors is:

Irwin Z. Robinson, Paramount Allegra Music, Chairman  
Bob Doyle, Major Bob Music  
Dave Johnson, Warner/Chappell  
Dean Kay, Demi Music Corp.  
Maxyne Lang, Williamson Music  
Evan Medow, Secret Sauce Music  
Ralph Peer II, Peermusic

### **Reminder: NMPA Annual Meeting on June 18**

**Marriott Marquis - Astor Ballroom**

**New York, NY**

**3:00 PM - 5:00 PM - Meeting/Awards/Performance**

**5:00 PM - Cocktail Reception**

The NMPA President's Award will be presented to **Senator Patrick Leahy** (D-VT), Chairman of the Senate Judiciary Committee, who is a strong supporter of the rights of music publishers and songwriters.

The NMPA Songwriter Icon Award will be presented to **Amy Lee**, the co-founder and lead singer of the rock band Evanescence. Amy is a singer-songwriter and a classically trained pianist. Her album "Fallen" has sold more than 15 million copies, spent 43 weeks on the Billboard Top 10, and has been certified Platinum 6 times. Amy and Evanescence also won two Grammy Awards in 2004 for Best New Artist and Best Hard Rock Performance. Amy will perform a few songs at the meeting.

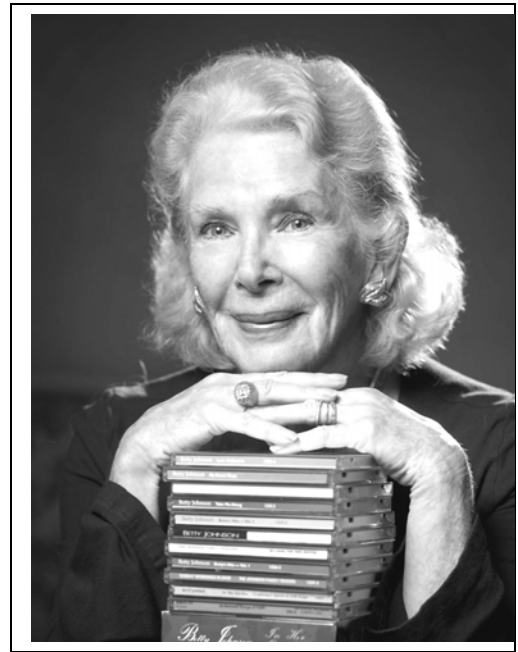
Please RSVP to [members@nmpa.org](mailto:members@nmpa.org) if you'd like to attend.

## HFA Affiliate Profile:

### Betty Johnson Bliss Tavern Music

With tremendous pluck and tenacity, Betty Johnson is proving you can have a second act - and even a third – in today’s music industry. As a child, she was part of the Johnson Family singers, and then had her own pop music solo career, but she left the music business behind in the 1960’s to raise a family. Yet after a bout with cancer in 1992, she decided to return to performing, and in doing so, resurrected her own career and the legacy of her family’s songs and performances, while at the same time launching the musical careers of her own children.

Betty started life in a sharecropping family in Possum Walk, NC in 1929. She, her three brothers and her parents won a singing contest which eventually led to a recording career with Columbia Records as the Johnson Family Singers. By the 1950’s, Betty was the only one who wanted to keep singing, so she came to New York where Percy Faith took her under his wing. She had her first hit single in 1954 with “I Want Eddie Fischer for Christmas,” and became a regular fixture on radio, TV, theater and the night club circuit.



But after marrying in the 1960’s, she decided to raise her family away from the music business. Recovering from surgery for cancer on her parathyroid in 1993, the doctor told her to take some vocal lessons. “And I thought,” Betty recalls, “I’m not going to take lessons. I’m a singer! I can do this!” After assuring the booker of the Oak Room at the Algonquin Hotel she was not dead, Betty found herself with a one-week stand at the legendary venue after a nearly 30 year absence from the stage.

“Have you ever thought that you’d have an occasion where you’d be present at your own memorial service? Well that’s what happened that night,” Betty marvels. “The reviews, the flowers, the ‘oh we’re so glad you’re singing again.’” Understandably nervous, Betty had asked her two daughters, Lydia and Elisabeth Gray to join her on stage. “I told them that I thought we should put it on record. So we went into the studio.” The result was *In the Garden*, which she released on her own Bliss Tavern label in 1995. “I didn’t know if we could sell 500 copies, but I decided to use the ones we didn’t sell as a marketing tool.” From there, her nephew encouraged her do something with the recordings of her 1950’s radio shows, which became *The Take 5 Sessions*. Inspired by the reaction, Betty began to track down her old recordings for re-release, and has been actively promoting them through her website and other online outlets. In addition, Betty wrote, recorded and released an audiobook about her life.

“My attorney said to me, ‘Your mother and dad would be so pleased with what you’re doing because you’re keeping the legacy going.’ I’m not selling a lot. I try to make my cost. I just sent 150 CDs to the bazaar at the 5<sup>th</sup> Avenue Presbyterian Church. I give away a CD with every book. And if anybody buys more, I give them two CDs. People are so appreciative of that. It’s my company. It’s not big time like when I was working before. It’s very personal.”

Talking about reassuming the role of “Betty Johnson” after having been “Betty Gray” for so long, she says, “It’s a job, but it’s an enjoyable one. I think of Betty Johnson as a commodity. She’s a nice girl and she’s gonna do the right thing. I’m her helper. If I had been doing this at the beginning of the rap thing, I couldn’t have gotten in the door. God has willed that I did this at the right time. Every day is precious gift, and every day I’m thinking of something to do next.”

*For more information, see Betty’s website, [www.betty-johnson.com](http://www.betty-johnson.com).*

## Word on the Street . . . HFA Affiliate Publisher News

**Boosey & Hawkes, Inc. (B&H)** has announced the signing of a publishing agreement with Mexican composer **Enrico Chapela**. The agreement covers existing output and future works. Chapela has a growing number of international performances and commissions. His current projects include a rock trio concert for the Dresden Sinfoniker to premier in September and a commission from the Los Angeles Philharmonic for performance in the Green Umbrella new music series in 2009.

**B&H** has also announced the launch of a new sponsorship program called “Emerging Composers.” The program is designed to foster and develop future generations of innovative composers; B&H will provide publishing, promotion and career support to a select group of emerging composers for a specified cycle. **Oscar Bettison, Anna Clyne, and Du Yun** are the three musicians that will inaugurate the program.

**EMI Music Publishing** has signed long-term global co-publishing deals with **Revelation Theory** and **The Cab**. Revelation Theory’s latest album, *Light It Up*, will be released June 10 and was produced by EMI Music Publishing writer Brian Howels and Josh Abraham. The Cab has toured with artists such as Fall Out Boy and Metro Station, and their debut album *Whisper War* topped Billboard’s Top Heatseekers chart.

**Peermusic** expands its repertory by acquiring 50% of **Unísono Musica S.L.**, the leading Spanish indie rock publisher. While Unísono Musica will retain the remaining 50%, Peermusic will handle its administration worldwide.

**Universal Music Publishing Group** has announced the renewal of an exclusive global publishing agreement with artist/writer/producer **Ne-Yo**. The company will continue to co-publish Ne-Yo’s catalog and future works world wide. Ne-Yo became a success with his platinum-selling debut album *In My Own Words* in 2006, and his success continued with his second album *Because of You* in 2007. *Because of You* won Best Contemporary R&B Album at the 2008 Grammy® Awards, and Ne-Yo was also awarded BMI Songwriter of the Year in 2007.

**Universal Music Publishing Group** also announced the signing of an exclusive, long-term, publishing administration deal for the works of **Neil Finn** (excluding North America, Australia, and New Zealand). The deal includes Neil’s classics such as “I Got You,” “Weather With You” and “Don’t Dream It’s Over” among others. Finn is one of the most successful songwriters of his generation with a career that spans over thirty years.

### *In Other News. . .*

The Los Angeles chapter of the **AIMP** will present the lunch event “Film/TV: New Opportunities & Trends” on June 19 at the House of Blues in West Hollywood. The reservation deadline is June 18. For more information or to register, go to [www.aimp.org](http://www.aimp.org), or call (818) 771-7301. Please note that the New York chapter’s June “View from the Top” event is sold out.

*“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.

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If you have any comments regarding HFA Soundcheck, please contact Laurie Jakobsen at 212-834-0133 or Isabel Mayoral at 212-922-3290, or email [soundcheck@harryfox.com](mailto:soundcheck@harryfox.com).

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