



Soundcheck

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News from the NMPA Annual Meeting

The annual meeting of the National Music Publishers' Association (NMPA), the parent organization of The Harry Agency, was held at the Roosevelt Hotel in New York City on June 19. Below are the speeches from David Israelite, NMPA's President and CEO, and from Gary Churgin, HFA's President and CEO, with slight edits for publication.

Remarks from David Israelite, President and CEO, NMPA

I am honored to address the annual meeting of the National Music Publishers' Association for the second time as President and CEO. It is particularly meaningful to serve in this capacity during this unique period of time in the music industry, because the time we are in is truly the dawn of a new era in the world of music.

It is an era that presents enormous challenges. It is an era that offers vast opportunities. And, it is an era that will pass in the blink of an eye. I submit to you that the next 5 years will be the most important period in the history of music publishing.

That is a bold and amazing statement for an industry that is over 100 years old. It is an industry that has seen the progression from sheet music and piano rolls, to recorded music, radio broadcast and television. I make this declaration with an appreciation for history, and respect for those who have made the industry what it is. But also with an understanding of the unique period we are in. In the next five years, many battles will be fought. I believe the results of those battles will determine the future of the music publishing industry.

In the next five years, the digital revolution will be largely complete. And while it is a matter of speculation when the digital

market will surpass the physical market, in the next five years the struggle to ensure that traditional copyright protections survive may well be decided. We will see changed a century old law governing the mechanical rights of music publishers and songwriters in ways that can create an environment to succeed over the next century, or an environment where music will be treated as a utility like water. We will experience an exponential growth in technology that challenges every previous notion of how creators are compensated for their art. And in these fights and through these changes, we will have power.

This year in the struggle over protecting our copyrights in the digital world, the balance of power shifted – significantly -- in our favor. It didn't happen by accident. We fought for it – in the courts, in Congress, and in negotiation.

And now comes the next challenge. We must continue to embrace change, we must continue to take risks, and we must make wise decisions, to ensure our vitality. We can fight back against theft of music. We can take advantage of new opportunities. Most importantly, we can adapt to the digital revolution and thrive in it.

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Israelite NMPA Speech, continued

Listen to what Peter Lauria of the New York Post wrote just a few weeks ago: “Music publishers are not only becoming more competitive with record labels, they are also fast becoming the industry’s ultimate power brokers.” Mr. Lauria wrote what we know to be true – that music publishers are more active than ever – finding new value in every song, exploring new relationships with writers and artists, and fighting back against a lost generation with little respect for those who create.

We have had many important accomplishments since I last addressed you one year ago, and we are currently working on several issues of vital importance to music publishers. And while I cannot touch upon all of the issues on which the NMPA is fighting for you, I will focus on four: our continued battle against the theft of music, the new struggle against new satellite radio and high definition radio devices, the enormous challenge of the copyright royalty board proceeding that began in February and will continue through next year, and finally, our efforts to reform music licensing.

Last June, we achieved a major victory in our war against theft. A unanimous Supreme Court said that file-trafficking networks, such as Grokster can be held liable for copyright infringement. This ruling has forced the demise of many – although certainly not all – illegal file-sharing networks. And it has let the world know that copyright protection is still something America values – and that emerging technologies must follow the same rules as everyone else.

I was proud to see many of the recommendations of the Department of Justice’s Intellectual Property Task Force implemented, but we can do more. That is why we are working with government to pass new anti-theft legislation. This legislation will increase the number of FBI agents dedicated to copyright theft

investigations and will provide increased funding for policing efforts.

We are also in a tremendous fight to protect songs that are being transmitted over high-quality satellite and HD radio. Without the protection of law, radio consumers could easily become the owners of perfect, digital copies of any song they choose. The NMPA is currently in negotiation with both XM and SIRIUS, and is pursuing legislation, along with the RIAA, for protections against these devices as well as devices that receive High Definition Radio signals that will soon flood the market.

The Copyright Royalty Board has begun its proceeding which will continue through next year. We are preparing for a historical rate battle, where for the first time ever we will establish a rate for digital subscription services. And our rates for physical products will be challenged like never before.

In the past, our struggles against record labels to secure fair compensation for those who write music seemed like a David vs. Goliath fight. But now, we find ourselves facing Digital Media Companies, such as Apple, Microsoft, Yahoo and AOL. Cellular Phone Companies, such as Sprint and Verizon, and traditional retailers who want to become digital music providers, such as Wal-Mart and Starbucks. All of who have a business interest in low cost for their inventory, which in this case is our music. Their combined lobbying and industry strength will make us long for the days when it was only the record labels on the other side of a rate proceeding or negotiation.

And finally, let me address our efforts to modernize music licensing laws. For the past several years Congress has been considering reform of Section 115 of the Copyright Act. After a series of hearings in 2004 and early 2005, Chairman Lamar Smith of the House Judiciary Committee, Subcommittee on the Courts, the Internet

and Intellectual Property, decided it was time for action. A powerful coalition of parties was working for legislation that would have been devastating for the music publishing industry. And, an initial draft bill introduced by the United States Copyright Office confirmed our worst fear – music publishers were targeted as the industry that would lose in music licensing reform.

Our mission became clear. While preventing legislation might be possible in the short term, Congress had concluded that Section 115 was broken, and it intended to act. We decided our best strategy was to go on offense, and help craft a Section 115 reform bill that although would certainly mean change, was something with which music publishers could live and actually prosper.

Intense months were spent forming a coalition of music publishing organizations, performance rights organizations and songwriter groups to put forward a proposal we called the “Unilicense” proposal. And while at the end of 2005 the proposal did not become law, an amazing transformation happened.

Music publishers were no longer looked at by Congress as the obstacle to reform. The Copyright Office bill was not scrapped. And many in the music community were looking to the NMPA for leadership to protect the common interests of music publishers and songwriters. Knowing that our victory in 2005 would be short-lived, we began this year with a renewed commitment to stay on offense and help shape the inevitable change to music licensing.

NMPA developed and proposed a new concept for reform. A concept that recognizes the need for a fast, efficient music licensing system, but one that creates an environment for music publishers and songwriters to take advantage of the new digital age. I am pleased to report that on June 8, less than two weeks ago, the Section 115 Reform Act – or SIRA – was passed out of Chairman Lamar Smith’s Subcommittee with a unanimous vote. And almost beyond belief for anyone familiar with the music business, it was supported by the Digital Media Association and the Recording Industry Association of America, as well as ASCAP, NARAS, SESAC, and NARM.



Jimmy Webb received the NMPA’s 2006 Influential Songwriter Award at the annual meeting. Pictured from left to right are Gary Churgin, Billboard legal and publishing columnist Susan Butler, Jimmy Webb, and David Israelite. (photo credit: Gary Gershoff)

The bill will go through many more changes, some at our insistence, and it will be difficult to keep this coalition together through this process. And only if this coalition can stay together, will the bill have a chance against the powerful lobbying efforts of the broadcasters, satellite radio companies, consumer electronics association, and other “copyleft” groups such as EFF. But if passed, this legislation could be a watershed event for music publishers.

Continued next page

Israelite NMPA Speech, continued

Through common industry agents, music publishers would provide blanket licenses for mechanical rights to digital music services, similar to how performance rights are licensed through ASCAP, BMI, SESAC and SoundExchange. But in addition to helping legal digital music services succeed, which is good for everyone involved in music, it would do much more.

First, SIRA would recognize that a mechanical right exists in digital subscription services such as interactive streaming, despite arguments to the contrary by DiMA, the Copyright Office, and others. Depending on the choices consumers make about which types of digital services become dominant in the market, this victory could be one of the most significant victories for music publishers and songwriters in the history of copyright protection.

Second, SIRA would close to abolish the practice of “pass through” licensing going forward, where record labels pass the publishing license to digital services such as Apple, and Apple in turn pays the record labels the money owed to music publishers and songwriters. By mandating that digital music services pay publishers directly for their songs, music publishers will be guaranteed faster and more accurate payments, will be able to audit digital providers directly, and most importantly, will have direct relationships with those who in the future will be providing most if not all music to consumers.

Third, SIRA requires licensees to pay an administrative fee to use the blanket license. Section 115 intended the licensee to pay for administration. However, since no one actually uses the compulsory process offered by 115, publishers have created a licensing

process that is paid for by music publishers. And while in other blanket licensing situations the licensor pays the administrative costs through commissions, this new system will be unique in that the users actually will have to help pay for the benefit of blanket licensing.

We are excited about SIRA because it allows us to embrace the digital revolution, encourage new, legal technologies and cultivate exciting alternatives to piracy. It is imperative for our survival that we continue these efforts to reform the licensing system for digital services. Digital is the fastest-growing delivery channel for music. 180 legitimate music download services were launched globally in 2004. 420 million single tracks were legally downloaded in 2005 – twenty times more than two years earlier. In 2005, worldwide revenue from digital music surpassed one billion dollars. And in just the last year, the market share for digital music services grew 300%.

These are just some of the issues that will mature over the next five years. There has never been a time more important for the NMPA to represent you. And that is where I need your help. If you or any music publishers you know are not members of NMPA, I urge you to join. If you are a member, I urge you to become more active, to support our political action committee and to participate in our grass roots lobbying efforts.

What we do, every member of NMPA and HFA, is to fight for you in the halls of Congress, in courts of law, and in business negotiations, so that you can do what you do, the noblest of causes, making music.

Thank you.



Remarks from Gary Churgin, President & CEO, HFA

David has laid out an inspiring course for the future of our industry, and I look forward to continuing to work with him to make this vision a reality.

I'm going to take things in a bit of a different direction, and briefly discuss where HFA is at in the first half of the year, and then focus on the new web-based services that HFA is offering and how publishers can increase their revenue by entrusting HFA with more of their mechanical licensing.

As of May 31, HFA's collections for mechanical licenses seem to be tracking along with the market. Although album sales are reported to be down 2.5% from last year, our first two quarter collections, which reflect sales in the last quarter of 2005 and the first quarter of 2006, are down 3.6% over the same period in 2005. While this is certainly not good news, it is actually better than we'd projected for this year.

On the plus side, we have collected quite a bit more than we'd expected to in royalty compliance exams early in the year, mainly due to the delay in closing some exams late last year. Because of the timing of these additional collections, overall HFA is up about 5% over last year's numbers.

We are continuing our focus on proactive collections by tracking more of our reporting against Soundscan. By doing this, we can recognize any discrepancies sooner and get them resolved well before we have a royalty compliance issue.

The tracking system that allows us to do this was part of the transformation of our technology platforms, which we completed last year. I want to give a special thanks to all of the publishers who took part in the design, testing and launch of these new tools.

Everything a publisher or a licensee needs to manage their mechanical licensing through

HFA is now integrated through our website, www.harryfox.com. As of May 31st, we have over 4,000 publisher and licensee user accounts, and I want to encourage the rest of HFA's publishers to register if you have not already done so. You will find that using the system will expedite your work with HFA. If you handle your mechanical licensing through HFA, you have the ability to manage all your information completely electronically, from license approvals to executed licenses to your royalty reports. This can really help you keep organized and save time and storage space for all those paper files.

Our technology transformation also had a focus on licensee systems – the side that generates your mechanical licensing revenue. We now have three online options for licensees: HFA Songfile, for up to 2,500 prepaid licenses for physical recordings or full digital downloads; eMechanical, a tool for established HFA licensing accounts to request and sign licenses online; and the bulk physical and digital licensing systems for high volume HFA accounts.

HFA Songfile licensees constitute a large portion of our business – over 39,000 licenses were issued through HFA Songfile in 2005, and Songfile transactions in 2006 have already increased almost 36% over last year. If taken in aggregate, it would be one of our top 10 licensees each month. We launched a new version of Songfile last fall, and among its many new features, licensees can now obtain licenses for permanent downloads as well as for CDs, cassettes, and vinyl records. In most cases, users will have their HFA mechanical license available for download from their Songfile account within 24 hours, if not minutes. Since we launched HFA Songfile last October, over 11,000 user accounts have been created, and we're seeing between 1,500-1,600 new users added every month.

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Churgin NMPA Speech, continued

Our other two licensing systems, eMechanical and Bulk, are for established accounts. eMechanical was launched in late 2004, and is an end-to-end electronic licensing system from request to signature. Issuing a stat rate license, which can take a week in the best of circumstances when done on paper, can now be completely executed electronically in minutes and signed using our electronic eSignature. The use of eMechanical has reduced the number of paper license requests that HFA receives by 10%, and in the first half of this year, 76% of executed licenses were signed electronically.

Even though our official transformation is over, we are continuing to improve our technology and processes to deliver more options and enhanced service. In particular, we are working on an ongoing project to improve our writer data and include Composer, Author, Editor identification numbers, which will run through all of next year. We are also looking at adding tools that would improve HFA's current business, but would also be crucial to have in place if we are successful in being named a Designated Agent under the proposed copyright legislation that David mentioned earlier.

I want to stress that all of these systems were developed collaboratively with publishers and licensees, who continue to be at the table as we evolve these systems and develop new improvements. It's really not practical for most publishers to develop such extensive online systems on their own, but working through HFA allows you, the publisher, to take advantage of these great innovations.

We've been able to deliver all this to you while keeping our commission at 6.75%. I'm proud to say that HFA has one of the lowest commission rates of any comparable national rights organization, in the most

active and demanding music market in the world.

Which brings me to a point near and dear to my heart. As you all know, affiliation with HFA is non-exclusive, and publishers can license outside of HFA as the situation warrants. I'm sure there are instances where you can try to argue with me that this makes sense. But some cases simply do not make any sense to me – like why anyone would want to handle stat rate licenses for limited quantities themselves. Is it worth handling the phone calls, the paper processing and the check clearance for the extra \$6.14 you'd make on a statutory rate mechanical license for 1,000 copies, when HFA can handle the same transaction cleanly through our website and issue the license within a few minutes of the request?

I sometimes hear from publishers that they can handle all of their records –mechanical licensing, collections, and compliance exams – on their own for cheaper than 6.75%. But what does "cheaper" really mean? I really believe this is "penny wise, pound foolish." If you have staff handling what the HFA crew can do more efficiently, you are diverting your people away from activities that can be more lucrative. Song plugging; placements in advertising, TV and movies; discovering new talent; finding new opportunities for your catalog – clearly, this is the real added value of a music publisher to a songwriter.

Further, it is certainly to your economic advantage to have your licenses included when HFA goes in to a record company to conduct a royalty compliance exam or pursue the release of an advance. For most companies, hiring the needed audit and legal teams would be prohibitively expensive. HFA's experience and level of representation has made us extremely efficient and effective in this area.

With our website tools, publishers have an unprecedented level of transparency into their licensing and royalty distribution activity with HFA. You maintain complete control while getting the benefit of our technology development and expertise.

Over the past several years, we have also been aggressive about finding new licensing opportunities for our publishers outside of Section 115. This is a real value-add for our publishers, as they do not have to negotiate their own deals with these companies, and since these arrangements are generally for a relatively short period of time – about two years – they are not locked into inflexible terms if the market changes.

In the past few months, we've offered new ringtone licensing arrangements with TouchM, SingleTouch, and eWingz, in addition to a digital background music service with PLR.

I'm particularly excited about the mastertone and ringback arrangements that we have with The Orchard and with EMI Recorded Music. This agreement allows these companies to distribute these popular cell phone options through third party retailers. This streamlines the overall licensing process so the retailer does not have to obtain all of the mechanical rights and master user rights on their own.

We're also very pleased about a recent licensing agreement in a more traditional area of the business. HFA has entered into a

landmark licensing arrangement with the record club BMG Columbia House. This brings to a close a battle that HFA has fought and won on behalf of the publishing community to prevent the implementation of an onerous licensing scheme as part of the settlement of what is known as the "Ory" case, which would have forced publishers to constantly monitor a website to see if one of their songs was going to be used, with no floor to the rate.

Pending the final settlement in July, BMG Columbia House will now need to obtain licenses and pay royalties in the same manner as any other mechanical licensee with an established rate of 3/4 of stat. While perhaps not the most cutting-edge area of the industry, HFA has collected almost \$33 million from the clubs last year, which is nothing to sneeze at. Once the settlement is accepted by the court, HFA will be able to begin to license.

These new agreements are examples of how HFA is working very closely, hand in glove with the NMPA, to fight on behalf of the publishers to obtain their fair share.

Next year will mark the 80th anniversary of HFA. In some ways, we've come a long way from collecting 2¢ for piano rolls. But fundamentally, HFA is the company you trust to go after your pennies – so that you can focus your energies on developing and promoting your catalogs of great songs. Regardless of what turns the music industry takes, the songs will always be its soul.

HFA Debuts on MySpace

www.myspace.com/harryfoxagency

MySpace is one of the most popular community websites on the Internet – in fact, it was recently measured as the most-visited U.S. website according to Internet traffic measurement firm Hitwise. It has been playing an increasingly important role for developing and established musicians to connect with their fans, and to distribute digital downloads and streams.

HFA recently launched its own MySpace page to make information about mechanical licensing available to this active and growing community. If you are an HFA affiliated publisher or licensee, we invite you to join our network of MySpace "friends" and support the legal distribution of music on the Internet.

Special Offer to HFA Affiliate Publishers & Licensees from Musician's Atlas

Receive 35% off the Cover Price of The Musician's Atlas Print Edition and
a Two Week Free Trial plus \$10 off the Activation of the Online Edition

HFA is pleased to offer discounted rates on The Musician's Atlas to its affiliate publishers and licensees. Whether in print or online, The Musician's Atlas provides the resources to book gigs, plan tours, get airplay, and develop media, marketing and promotional campaigns. Listings are updated regularly, and entries include details such as styles of music, submission policies, stage size, broadcast coverage, audience demographics & other line item information specific to the music business category. The 2006 edition features more than 24,000 US and International music industry contacts in over 28 music business categories, including new sections on Canadian College Radio and Booking and a section covering Video & Home Recording.

The interactive AtlasOnline features 40% more listings than the print edition with new listings & updates added weekly. Subscribers can perform advanced searches, create customized mailing labels, letters, email blasts, hyperlink to emails and websites, and more. To obtain the discount, go to www.MusiciansAtlas.com/harryfox.asp. If you are interested in advertising discounts, please contact Martin Folkman at (973) 509-9898 and mention **The Harry Fox Agency Discount Program**.

As a reminder, HFA offers other great discounts and special offers on products of interest to the music community. These are available when you sign in to your HFA Online account, and the current list of offers is also included below:

- **Hertz Rental Cars - Discounts on daily, weekly, weekend, and monthly rentals**
The discounts apply to travel within the U.S. or worldwide. To obtain the discount, contact Hertz at (800) 654-2210 or visit the Hertz website at www.hertz.com. When making reservation, use **The Harry Fox Agency Discount Code CDP# 1595880**.
- **Songcasting's "The Pitch List" - 10% discount on new or renewal subscriptions**
Songcasting's "The Pitch List" is published monthly and supplies the names and contact information of approximately twenty-five (25) major recording artists currently looking for material and the type of material that the artists are seeking. This discount offer is available by phone (954) 816-3216 or by mail: *"The Pitch List" 6805 W. Commercial Blvd #260, Tamarc FL 33319*. When placing an order, request **The Harry Fox Agency 10% Discount**. For additional information, visit: www.songcasting.biz.
- **The Music Registry Publications - 15% discount**
Publications include The Music Publisher Registry, The Music Attorney, Legal and Business Affairs Guide, The Film & Television Music Guide, Contracts for the Music Industry, and others. This discount offer is available by phone (800) 377-7411 or by mail: *The Music Business Registry, Inc., 7510 Sunset Boulevard #1041, Los Angeles, CA 90046*. When placing an order, request **The Harry Fox Agency 15% Discount** (note: discount does not apply to shipping, handling or sales tax.) For additional information, visit: www.musicregistry.com.
- **Music Connection Magazine - 15% discount on new subscriptions/
free issues for renewals**
Music Connection Magazine is offering a 15% discount on new subscriptions and free issues for renewal subscriptions (1 year renewal/2 free issues; 2 year renewal/5 free issues). Music Connection Magazine is a bi-weekly music trade publication. This discount offer is available by

phone (818) 995-0101 or by mail: *Music Connection Inc., 16130 Ventura Blvd., #540 Encino, CA 91436*. When placing an order for new subscription, request **The Harry Fox Agency 15% Discount**. For a renewal subscription, request **The Harry Fox Agency Free Issues Offer**. For additional information, visit www.musicconnection.com.

- **American Songwriter Magazine - 25% discount on new subscriptions**
American Songwriter, the “Voice of the Songwriting Community,” covers all aspects of the craft and business of songwriting. The magazine provides interviews with songwriters, publishers, producers, and other industry representatives, as well as discussions of copyright law. This discount offer is available at: www.americansongwriter.com/discount/subscription, by phone (615) 321-6096 or by mail: *American Songwriter, 50 Music Sq. West, Ste. 604 Nashville, TN 37203*. When placing a phone or mail order, request **The Harry Fox Agency 25% Discount**. For additional information, visit www.americansongwriter.com.

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Word on the Street . . . HFA Affiliate Publisher News

Chosen from thousands of entries from all over the world, singer/songwriter **Dottie Burman**’s novelty holiday song, “Let’s Have P.C. Holiday (Where Everything’s Politically Correct)” has been named one of 20 finalists in the Holiday/Specialty category in the Unisong International Song contest. Burman is self-published through **Burtley Productions, Inc.**

Cherry Lane Music Publishing Company, Inc., having publishing relationships with DreamWorks SKG and Icon Productions, among others, added another highly successful production company, **Lakeshore Entertainment**, to its clientele. Lakeshore is best known for its Oscar-winning film “Million Dollar Baby,” as well as “Runaway Bride,” “Exorcism of Emily Rose,” “The Last Kiss,” and “Underworld.”

Prolific songwriter and Warner Bros. recording artist **Lance Miller** has signed an exclusive global multi-year co-publishing agreement with **Famous Music-Nashville**. Miller is currently in the studio with producers Brad and Brett Warren recording his debut major label project. Miller, who is co-writing tracks for his new album, has had his songs cut by such major artists as Tim McGraw, Tracy Lawrence, Clay Walker, Restless Heart, Mark Wills, and many others.

Music Sales Corporation has acquired publishing rights to **Major Songs**, the catalogue of noted 20th Century lyricist/composer Carl Sigman. Sigman, an inaugural member of the Songwriters Hall of Fame, died in 2000, ending a six-decade career during which he wrote some 800 songs. The catalogue includes the writer’s share of such classic standards as “Where Do I Begin (Love Story Theme),” “It’s All in the Game,” “Enjoy Yourself,” “Pennsylvania 6-5000,” “What Now My Love,” and “Buona Sera.” Recently, songs from the catalog have been covered by such diverse performers as the Pussycat Dolls, Barry Manilow, Rod Stewart, Renee Fleming and Regis Philbin.

ole announced an exclusive worldwide administration deal with **Sound Of Pop Inc.**, a Toronto-based publishing, label and management venture co-owned by Canadian songwriters J.C. Smith and Ben Dunk. Under the terms of the three-year agreement, ole will administer Sound of Pop’s publishing and serve as a one-stop clearance center for sync licenses. S.O.P. songs have appeared in such popular U.S. and Canadian programs and DVD products as *Joan Of Arcadia* (CBS); *Party Of Five* (Sony DVD); *Dawson’s Creek* (Sony DVD); *Radio Free Roscoe*; and OLN’s *Scooter Trash*.

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Instant Live

Stephen Prendergast, General Manager

How many times have you walked out of a concert wishing you could listen to it all over again on your way home? Companies like Instant Live are making that possible by working with bands to record shows on site and making the CDs and digital downloads available for sale almost immediately at the venue and online.

Stephen Prendergast, Instant Live's General Manager, has observed that fans are really embracing the Instant Live CD concept, with roughly 20% either pre-ordering CDs online, purchasing them on site, or ordering them through the website after the show. "For a band that's touring 10,000-seat amphitheaters, that's a pretty sizable market on a 50-date tour – it comes out to about 100,000 CDs. Since our recordings are generally limited editions, they become real collector's items."

HFA created the special "Express Live" mechanical license to enable businesses like Instant Live, who began licensing through HFA last summer. Express Live licenses are offered at the same statutory royalty rate as a standard compulsory mechanical license, but have more flexible terms in that one license will cover all recordings of the same song by a particular artist in the Express Live context, though the individual recordings will be differentiated when the licensee submits its regular quarterly licensing reports and payments.

"Fans really want this, and they don't like to wait," Stephen continues. "When you see all that is out there illegally in the bootleg market, you know that this is something we've got to continue to refine. Illegal copying will only get easier with the devices that are being created right now; we've got to develop the Instant Live model before this opportunity gets away from the artists and the entire industry."

"We're in a new age. If an artist wants to control the recording of their live sound and the packaging, they need to work with a company like Instant Live to achieve that. We're looking to work with more labels and publishers to help us turn this into a vibrant market that grows the overall business."

Instant Live started in 2003 in Boston, and the company has now grown to be one of the leading companies in live concert recording. In 2005, Instant Live recorded and made available to music fans more than 250 shows from 50 different artists, including The Allman Brothers, The Counting Crows, Jewel, and KISS. This year, they have already offered such diverse recordings as the Bauhaus and The Cult reunion tours and Yo-Yo Ma's Silk Road Project, and have been in full swing during the summer tour season with repeat outings with The Allman Brothers, Counting Crows, as well as Phil Lesh & Friends.

Understanding the artists' needs has been key to Instant Live's success. "We work closely with the bands and with their sound technicians," says Stephen. "Sometimes we record rehearsals to help the artists get comfortable with the process. There are several ways to record an artist, and we are able to accommodate what works best for them."

"Every night and every show is different. With the Black Crows, every night is a different set – some nights, we may record as many as three discs! It's a fun business – you're capturing what otherwise would never be heard again."

Instant Live is a part of Live Nation, a leading live event and venue company that was spun out of Clear Channel last year. Live Nation owns, operates, and/or has booking rights for 153 venues worldwide, and just recently entered an agreement to acquire House of Blues Entertainment. Live Nation has also committed to increasing their number of “wired” venues from 36 to 120 by the end of 2006, turning their venues into recording studios. Currently, Instant Live handles recording at non-wired venues with mobile units.

Stephen is looking forward to the opportunities that these new Live Nation relationships will provide to Instant Live. Stephen also stressed that Instant Live does work in all kinds of venues, not just those affiliated with Live Nation. While the value of Instant Live is clear for established acts, Stephen sees great opportunities for using the special recordings to market new bands. “Some labels have tested banding the Instant Live recording to the artist’s album for venue sales as a value-add, and it’s been very success to help market new artists.”

Looking ahead, Stephen is the most excited about growing Instant Live’s digitally-distributed market. “Digital releases will really expand this business exponentially. We had a successful relationship with Napster, and now we’re looking to expand our availability to other services.”

For more information about Instant Live, see their website at www.instantlive.com.

Word on the Street . . . Continued

Razor & Tie has announced the signing of **Patterson Hood** and **Mike Cooley** of the Drive-By Truckers to an exclusive worldwide publishing administration contract covering their entire catalogue. This marks the first signing for Razor & Tie’s recently launched music publishing division. Athens, Georgia natives Drive-By Truckers’ seventh and latest album *A Blessing and a Curse* (New West Records), released April 18th of this year, debuted at #50 on the Billboard Top 200 Album charts, marking the band’s highest debut ever. The Truckers will be on tour with The Black Crowes and Robert Randolph & The Family Band this summer.

Spirit Music Group announced the signing of **Sugarmusic**, the largest independent music publisher in Italy, to an exclusive North American Sub-Publishing Agreement. The third-generation family-owned publisher has amassed a treasure trove of hits dating from the 1930’s to present day. The 60,000-song catalog includes Italian titles such as hits by vocalists Carlo Buti, Johnny Dorelli, Caterina Caselli, Paolo Conte and rockers Raf and I Pooh, and its

best-known global hits are the works of Umberto Tozzi, including “Ti Amo” as well as Laura Branigan smashes “Gloria” and “Self Control” and tracks by Giorgio Moroder. The company also brings the complete catalog of international superstar Andrea Bocelli, whose albums are perennial Top 10’s around the globe.

Warner/Chappell Music announced it has extended its publishing agreement with renowned songwriter and music producer, **Timbaland**. Under the expanded agreement, Warner/Chappell Music will also acquire Timbaland’s extensive catalog of nearly 400 copyrights. One of music’s most influential contemporary songwriters and producers, Timbaland’s catalog includes more than 40 Top 10 songs on various Billboard charts including Missy Elliott’s 2001 chart topper “Get Ur Freak On,” Justin Timberlake’s Grammy-award winning “Cry Me a River” and Nelly Furtado’s current Top Ten single, “Promiscuous.”

“Word on the Street” is taken from press release material.

***“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 to 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 Publisher Services at 212-834-0100.

If you've moved, please remember to update your contact information with HFA. You can obtain change of address information from the website or by contacting HFA Publisher Services.

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

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