

THE COPYRIGHT SOCIETY OF THE U.S.A.

New York Chapter
Rose Auslander and Joseph Salvo, Co-Chairs

November 2, 2007

Dear Members of the New York Chapter of the Copyright Society:

We are pleased to present our third event of the 2007-2008 Season: – a December 6 LUNCHEON program at the Princeton Club.

"KEEPING UP WITH THE MUSIC: THORNY ISSUES FROM THE 'WILD WEST' OF DIGITAL MUSIC"

'The ringtones decision'

Do ringtones qualify as digital phonorecord deliveries ("DPDs") within the scope of Section 115? In December of 2005, the Copyright Royalty Board put this question to the Register of Copyrights as a "novel issue of law". Last year, the Register issued her opinion, holding that ringtones qualify as DPDs subject to compulsory licensing under Section 115. But since the opinion is not yet "final", will the Register have the last word?

'Is there a public performance in a download?'

When negotiations to determine a license fee for the use of musical works on the internet stalled between three of the largest commercial Internet services (AOL, RealNetworks, and Yahoo!) and ASCAP, a rate court proceeding was initiated in November of 2005. In December of 2006, the three internet services requested the Court to decide whether a performing right exists in permanent downloads.

This past April, Judge Connor issued his opinion—most permanent downloads do not implicate a public performance right. But is that the end of the story? Or is there more yet to come?

'Is there a reproduction right in on-demand streaming and tethered downloads?'

In 1995, Section 115 extended compulsory licensing to DPDs. But are DPDs created as a result of "on demand" streaming? If so, how should they be valued? And how should Section 115 treat "tethered" or "conditional" downloads? Twelve years later, will we finally get some answers?

Speakers: We are privileged to present panelists **Cindy Charles** (MediaNet), **Jacqueline Charlesworth** (National Music Publishers Ass'n), **Joe DiMona** (BMI), **Fernando Laguarda** (Mintz Levin) and **Ann C. Sweeney** (Warner/Chappell), and moderator **Jeff Liebenson** (Herrick, Feinstein), in what promises to be a thought-provoking discussion of some of the more intriguing recent developments affecting music publishers in the digital space.

Date: **December 6, 2007**

Time: 12:00 p.m.-12:20 p.m.: Cocktails (cash bar)
12:20 p.m.-12:50 p.m.: Lunch
12:45 p.m.-2:00 p.m.: Program
(Please note: event will begin EARLY and end promptly)

Place: **The Princeton Club, 15 West 43rd Street, New York, NY**

Cost: \$60.00 (members) \$70.00 (non-members)

CLE: ***The Copyright Society of the U.S.A. is a NY CLE Approved Provider. This course is Transitional and Nontransitional, and provides 1.0 Credit (based on 50 minutes).***

To attend this exciting panel discussion, please complete the attached form, and mail or fax it to The Copyright Society of the U.S.A., 352 7th Ave., Suite 739, NY, NY 10001, fax # (212) 354-2847, **by November 30**. We look forward to seeing you on **December 6, 2007**.

Mark Your Calendars NOW!

The fourth event of our 2007-2008 Season will be a LUNCHEON program on January 24, 2008, at the Princeton Club. **General Topic: Re-Thinking Copyright: Should it be a Monopoly or a Property Right, and What About Fair Use?**

SPEAKERS:

CINDY CHARLES

Cindy Charles serves as Senior Vice President Law and Business Affairs and General Counsel for MediaNet (the successor in interest to MusicNet Inc.), where she manages oversees all legal matters, strategic business relationships (including distributors and vendors), government relations and company negotiations on behalf of MediaNet. In addition, she drafts and negotiates all company agreements, communicates daily with music labels, publishers and strategic partnerships and handles all corporate matters. Previously, Ms. Charles served in a variety of positions for MTV Networks over a six-year period, most recently as Vice President of Law and Business Affairs for MTVi, an interactive division of MTV Networks, which included MTV.com, VH1.com, Sonicnet.com and CMT.com. Before coming to MTV Networks, Ms. Charles was General Counsel for WarnerVision Entertainment. Ms. Charles also served in various legal positions at Worldvision Enterprises, the Screen Actors Guild and the law firms of Lawrence Waldman and Robert Mauer, Esq. Ms. Charles received her law degree from Pace University School of Law and a BA in Political Science from State University of New York at Buffalo.

JACQUELINE CHARLESWORTH

Jacqueline C. Charlesworth is Senior Vice President and General Counsel of the National Music Publishers' Association, where she serves as the primary legal advisor for the legislative and legal initiatives of the leading trade association representing the interests of music publishers in the United States. Ms. Charlesworth previously served as the Senior Vice President and General Counsel of The Harry Fox Agency, the premier licensing agency representing music publishers in the United States, with over 27,000 publisher clients, where she oversaw all of the legal affairs of HFA, including

licensing policy, royalty compliance matters and anti-piracy activities. Prior to assuming her position with HFA in late 2001, Ms. Charlesworth was an associate in the Litigation Department of Paul, Weiss, Rifkind, Wharton & Garrison, where she represented both the NMPA and HFA with respect to various litigation and licensing matters, including infringement actions, rulemaking proceedings before the Copyright Office and the 2001 agreement with the RIAA that allowed for the launch of online music subscription services. A graduate of Yale Law School and Brown University, Charlesworth clerked for federal judges in the Southern District of New York and on the Ninth Circuit Court of Appeals before entering private practice.

JOSEPH DIMONA

Joe DiMona is Vice President, Legal Affairs, for BMI, the music performing rights licensing organization. Joe joined BMI in 1992 as Assistant Vice President, Licensing, and Counsel, and was made Vice President, Legal Affairs in 2002. Joe has negotiated BMI public performing right license agreements with a broad array of music using industries, and was involved in the creation of BMI's first Internet web site license in 1995. He is active in BMI rate court and Copyright Royalty Board involving rights fees for BMI music, as well as anti-piracy efforts and copyright education. Joe also advises BMI on legislative and regulatory matters affecting music copyrights. Joe began his law career as an associate in the Washington, D.C. law office of Reid & Priest from 1986-92, where he represented a range of clients in regulatory and IP matters. He received his J.D. degree from Columbia University School of Law in 1986.

FERNANDO R. LAGUARDA

Fernando Laguarda is a Member of Mintz, Levin with a diverse practice that includes music licensing, telecommunications regulation, and antitrust counseling and litigation. His firm regularly represents music users in the television, cable and Internet industries. He represented Music Choice in the first case to set rates under the Digital Performance Rights Act of 1995 and in the first case to go to trial before the BMI rate court. He is currently representing the Digital Media Association ("DiMA") before the Copyright Royalty Board in the proceeding to set rates and terms for the Section 115 mechanical license. On behalf of DiMA, his firm submitted an amicus brief to the ASCAP rate court on the issue of public performance royalties for music downloads. He received his J.D. *cum laude* from Georgetown University, where he was Notes and Comments Editor of the Law Journal.

ANN C. SWEENEY

Ann Sweeney is Executive Vice President, Warner/Chappell Music, home to American standards as "Rhapsody in Blue," "Winter Wonderland," and the songs of Cole Porter and George and Ira Gershwin. Ann's primary responsibilities at Warner/Chappell include worldwide digital revenue and policy, as well as catalog acquisitions and legislative and industry issues. Prior to joining Warner/Chappell in mid-2007, Ann served as the Senior Vice President of Sony/ATV Music Publishing LLC, where she oversaw the company's worldwide legal and business affairs, and coordinated litigation, copyright, digital, and legislative strategy. Ann played an instrumental role in Sony/ATV's acquisition of the Acuff-Rose, Leonard Cohen, Leiber Stoller, "Christmas Song," "Jeopardy/Wheel of Fortune," and Famous Music catalogs, among others. Prior

to Sony/ATV, Ann served as the Vice President of New Technology and Business Development for Sony Music's Digital Media Group, and as Counsel, Senior Counsel, and then Vice President of the Sony Music's legal department. Before joining Sony Music, Ann was Director of Business Affairs and Law at Chrysalis Music Group (later EMI Record Group NA). She started her music career at a law firm representing SBK Entertainment World Inc. Ann received her J.D. from the New York University School of Law.

JEFF LIEBENSON (MODERATOR)

Jeff Liebenson is Counsel at Herrick, Feinstein LLP, where he specializes in digital entertainment, music and intellectual property law. Jeff has over 20 years experience in the entertainment industry, which includes representing Gracenote in obtaining digital lyric rights from the music publishing industry, Sony Music in the establishment of its Pressplay online service with Universal, and EMI Recorded Music in the first iTunes negotiations with Apple. Prior to joining Herrick, Jeff served as Vice President of International Legal and Business Affairs for BMG Entertainment. Jeff received a J.D. and a LL.M in Trade Regulation from New York University School of Law.

Very truly yours,

Rose Auslander
Joe Salvo
Chapter Co-Chairs

THE COPYRIGHT SOCIETY OF THE USA

Registration Form – New York Chapter

Return This Form To: 352 Seventh Avenue, Suite 739 New York, NY 10001 Telephone: (212) 354-6401 Fax: (212) 354-2847 Email: amy@csusa.org	Event: “Keeping Up With The Music” Thursday, December 6, 12:00 PM The Princeton Club 15 West 43 rd Street New York, NY 10036-7497
--	---

Please print clearly:

NAME: _____

FIRM: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____ FAX: _____

EMAIL: _____

Registration Fees:

Payment by check or credit card *must* accompany this form.

Type	Cost	After 11/30	Quantity	Total	Total Cost
<input type="radio"/> Members	\$60.00	\$70.00	_____	_____	_____
<input type="radio"/> Nonmembers	\$70.00	\$80.00	_____	_____	_____

Method of Payment:

MasterCard
 Visa
 American Express
 Check

Credit Card No.: _____ Expiration Date: MM / YY _____

Signature: _____ Security #: _____

Please make check payable to “THE COPYRIGHT SOCIETY OF THE USA”

Cancellation and Refund Policy:

Full refund will be issued if a cancellation is received in writing 5 days prior to the event. No refunds or credits will be issued for cancellations 3 business days before the event. Registrations are transferable.

Additional Registrants:

First Name	Last Name	Email

352 SEVENTH AVENUE, SUITE 739 NEW YORK, NY 10001
TEL: 212 354 6401 FAX: 212 354 2847 EMAIL: AMY@CSUSA.ORG

New York, NY 10001

Telephone: (212) 354-6401 • Fax: (212) 354-2847 • e-mail: amy@csusa.org

Scholarship / Financial Hardship Policy

A limited number of scholarships are available to judges, law clerks, law professors, law students, attorneys, pro bono attorneys and paralegals who work for nonprofit organizations, legal service organizations or government agencies, recent graduates not yet employed, and unemployed attorneys who must take CLE courses in order to meet their state requirements.

All requests must be made in writing accompanied by a completed registration form. No more than three requests per person will be considered in any one year. Requests should describe the applicant's interest in the topic and justification for a waiver of fees.

Requests should be accompanied by a recommendation from an instructor in the case of students, or supervisors in the case of law clerks or paralegals.

Requests and scholarships are not transferable. Approval will be based on need and funds available on a first come first served basis. If approved, the scholarship will result in a waiver of the course fees for the specific program application. To apply, please send your request, in writing, prior to the reservation form deadline. Students must submit a copy of their student identification cards.

All requests for scholarships should be sent to: The Copyright Society of the U.S.A, 352 Seventh Avenue, Suite 739, New York, NY 10001. Please call (212) 354-6401 or e-mail amy@csusa.org for further information.