



## **Music Business Association & Mondo.NYC Announce Agenda for Entertainment and Technology Law Conference September 16 in New York City**

***Event to feature Copyright Office's new Associate Register of Copyrights Sarang (Sy) Damle; U.S. Representatives Doug Collins, Darrell Issa, and Jerrold Nadler; RIAA's Cary Sherman; and Audiam's Jeff Price***

**NEW YORK (Aug. 15, 2016)** – Mondo.NYC and the Music Business Association (Music Biz) are partnering to host the Entertainment and Technology Law Conference during the inaugural Mondo.NYC summit and festival. The Law Conference will be held on Friday, September 16, from 8 a.m. to 4:50 p.m. ET at New York University's Helen and Martin Kimmel Center in the Richard L. Rosenthal Pavilion.

The event will feature a variety of prominent lawmakers, legal experts, and music industry executives, including the U.S. Copyright Office's new Associate Register of Copyrights **Sarang (Sy) Damle**; U.S. Representatives **Doug Collins**, **Darrell Issa**, and **Jerrold Nadler** (the latter two of whom introduced the Fair Pay Fair Play Act); RIAA Chairman and CEO **Cary Sherman**; Audiam's **Jeff Price**; and representatives from ASCAP, the Center for the Protection of Intellectual Property, Commonwealth Broadcasting, Kurnit Klein & Selz, Michelman & Robinson, Mitchell Silberberg & Knupp, the National Association of Broadcasters (NAB), the National Music Publishers Association (NMPA), Pandora, and Rights Management Holdings.

These panelists will discuss some of the most important topics facing today's music biz, including the U.S. Department of Justice's recent consent decree decision, the debate over whether U.S. terrestrial radio stations should be required to pay a public performance right, recent rulings regarding the effect of remastering on copyright, identifying areas where digital music royalties are being left on the table, and the use of mandatory arbitration and choice-of-law clauses.

Admission to the Entertainment & Technology Law Conference is available now at [www.ticketfly.com/purchase/event/1204175](http://www.ticketfly.com/purchase/event/1204175). A special rate of \$99 is available for students, while those who have already purchased a pass for Mondo.NYC can add Law Conference admission for \$149. General Law Conference tickets can be purchased for \$349, and Music Biz members can find a discount code for \$249 at [www.musicbiz.org/resources/discounts](http://www.musicbiz.org/resources/discounts).

The full currently confirmed agenda for the Entertainment and Technology Law Conference can be found below.

## **8 AM**

### **Doors Open & Registration**

## **8:30 AM**

### **Welcome & Introductions**

- Joanne Abbot Green, Mondo.NYC
- James Donio, Music Biz
- Michael Poster, Steering Committee Chair

## **9 – 10:20 AM**

### **The DOJ Consent Decree Determination: What Does It Mean for Congress and Stakeholders?**

In 2014, the nation's largest performing rights organizations (PROs) for musical compositions, ASCAP and BMI, asked the US Department of Justice (DOJ) to review their governing consent decrees, with a request that they be modified to give copyright owners the choice to license their works to digital services directly in the marketplace, known as a "partial withdrawal" of rights. On August 4, 2016, DOJ issued its review. The government decided not to modify the consent decrees as the PROs requested, stating it would not promote competition, and in addition, declared that the consent decrees do not allow ASCAP and BMI's current practice of offering "fractional" licenses that convey only rights to the shares of a work that each PRO owns. Soon thereafter, the PROs announced they would seek judicial and legislative relief from DOJ's determination. This panel will examine the effect on the stakeholders of the DOJ review and steps Congress may consider in response.

- U.S. Representative Doug Collins (R-GA)
- Clara Kim, EVP and General Counsel, ASCAP
- Danielle Aguirre, EVP and General Counsel, NMPA
- Katie Peters, Director, Government Relations, Pandora
- Curtis LeGeyt, Executive Vice President - Government Relations, National Association of Broadcasters
- Tara Good, Director of Operations, WineAmerica
- Ann Sweeney, Sr. VP of Global Policy, BMI
- Moderator to be announced

## **10:30 – 11:50 AM**

### **Platform Parity: Is It Time for New and Old Technologies to Be Treated the Same Way?**

Currently, over-the-air radio in the U.S. is exempt from paying a public performance right for the use of music. Satellite radio is required to pay such a royalty, though the Copyright Royalty Board has stated that it is "below market," and internet radio also pays under a rate standard that looks to market-based indicators. Many have argued that these platforms compete vigorously with each other today and that they should be treated the same. However, others argue that the varying reach and benefits of each service, including increased publicity for the artists featured, justify the discrepancies. U.S. Representatives Jerrold Nadler and Darrell Issa have introduced legislation entitled the "Fair Pay Fair Play Act" that would require all platforms, regardless of the technology used, to pay based on market-based indicators. This panel will gather experts on both sides of the issue to debate the best path forward.

- U.S. Representative Darrell Issa, Chairman, House Judiciary Subcommittee on IP (R- CA)

- U.S. Representative Jerrold Nadler, Ranking Member, House Judiciary Subcommittee on IP (D-NY)
- Cary Sherman, Chairman and CEO, RIAA
- Steve Newberry, CEO, Commonwealth Broadcasting and Chairman, Joint Board, National Association of Broadcasters
- Steve Bene, General Counsel, Pandora
- Charles Warfield, Senior Advisor, YMF Media LLC
- Moderator: Matt Barblan, Executive Director, Center for the Protection of Intellectual Property and Copyright Professor, Antonin Scalia Law School, George Mason University

## **NOON – 1:15 PM**

### **Lunch & Keynote TBA**

## **1:30 – 2:30 PM**

### **Remaster and Recreate?**

The implications of the *ABS Entertainment v. CBS Corp.* ruling, which granted copyright to remastered versions of old songs, are incredibly far reaching and could completely upend much of the legal thinking relating to ownership and creation of sound recordings, who the “author” of a work is, termination rights, and more. In this session, a panel of experts will discuss the ruling and its impact on the music industry.

- Moderator: Christine Lepera, Mitchell Silberberg & Knupp, LLP
- Sarang (Sy) Damle, General Counsel and Associate Register of Copyrights, U.S. Copyright Office
- David Jacoby, Sr. VP, Business & Legal Affairs, Sony Music Entertainment
- Jay Rosenthal, Mitchell Silberberg & Knupp, LLP
- Additional panelists to be announced.

## **2:40 – 3:40 PM**

### **Slipping Through the Cracks: How Artists and Rightsholders Are Missing Out on Digital Royalties**

This panel will focus on ways in which artists and rights holders are not collecting on certain digital royalties, either because they are not actively trying to collect the payments, the rights are not being properly licensed (and thus paid), or because of other inefficiencies in the licensing system which result in non-payment. The panel is not about whether digital royalties are fair or whether streaming services should be paying more, but more of a practical discussion of where money is being left on the table.

- Moderator: Michael Poster, Michelman & Robinson
- Richard Conlon, Rights Management Holdings
- Jeff Price, Audiam
- Ilse Scott, Michelman & Robinson
- Additional panelists to be announced.

## **3:50 – 4:50 PM**

### **The Use (or Abuse) of Mandatory Arbitration and Choice-of-Law Clauses**

The increasing number of agreements with employees and consumers include mandatory arbitration (or other ADR) and choice-of-law clauses. The widespread use of these clauses has drawn renewed scrutiny because they can prohibit class actions and may unduly favor the company. As a practitioner, what are your ethical obligations regarding advising clients on the quality and advisability of these clauses? (*This panel has been submitted to receive ethics credits.*)

- John Harris, Frankfurt, Kurnit Klein & Selz
- Additional panelists to be announced.

### **Entertainment & Technology Law Conference Steering Committee:**

- Michael Poster, Partner at Michelman & Robinson LLP, Chairman of the Committee
- Michael Abitbol, VP of Business & Legal Affairs Sony/ATV Music Publishing
- Toby Butterfield, Partner, Frankfurt Kurnit Klein + Selz
- Joe DiMona, VP of Legal Affairs, BMI
- Christine Lepera, Partner, Mitchell, Silberberg & Knupp LLP
- Christopher Marino, Shareholder, Giordano, Halleran & Ciesla, PC
- Adam Ritholz, Founding and Managing Partner, Ritholz Levy Sanders Chidekel & Fields, LLP

### **Program Partners:**

- BMI
- Frankfurt Kurnit Klein + Selz
- Giordano, Halleran & Ciesla, PC
- Michelman & Robinson LLP
- Mitchell, Silberberg & Knupp LLP
- New York University School of Law
- Ritholz Levy Sanders Chidekel & Fields, LLP
- Sony/ATV Music Publishing

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### **About the Music Business Association**

The Music Business Association (Music Biz) is a membership organization that advances and promotes music commerce — a community committed to the full spectrum of monetization models in the industry. It provides common ground by offering thought leadership, resources and unparalleled networking opportunities, all geared to the specific needs of its membership. Music Biz brings a unique perspective and valuable insight into the trends and changes that innovation brings. Today, we put our collective experience to work across all delivery models: physical, digital, mobile, and more. Music Biz and its members are committed to building the future of music commerce — together.

### **About Mondo.NYC**

Mondo.NYC is an annual festival and business summit, bringing together, music, technology and innovation, taking place in New York City September 14–18, 2016. The daytime business summit will be headquartered at and held in partnership with New York University. Mondo.NYC brings together a community of musicians, innovators, business disruptors, thinkers and doers, powering the discovery of new music and technology. At night, Mondo presents a curated selection of emerging artists performing live in venues across Manhattan and Brooklyn.

Mondo.Day Summit, held at New York University, features business workshops, panels, seminars, and events centered on music, technology and innovation. Speakers include keynote Daniel Glass, President and Founder of Glassnote Entertainment Group, and representatives from Pandora, A2IM, Sony/ATV Music Publishing, Beggars, the U.S. Copyright Office, Vice, Sony Music Entertainment, Pirate!, ASCAP, Recording Industry Association of America, the U.S. House of Representatives, WSOU, Universal Music

Group and more. See a full list of Mondo.Day events, including panel agenda and speakers, at <http://mondonyc2016.com/index.php/summit/>.

Mondo.Night includes concerts and live music showcases at venues across Manhattan and Brooklyn, pub-crawls, exclusive events and more. See a full list of Mondo.Night events at <http://mondonyc2016.com/index.php/mondo-night/>.

*(All Mondo.NYC events and participants are subject to change.)*

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