

April 2010



# NEWSLETTER

An Entertainment Industry Organization

## *Exclusive Excerpt: 4th Edition of Kohn On Music Licensing*

by Al Kohn and Bob Kohn

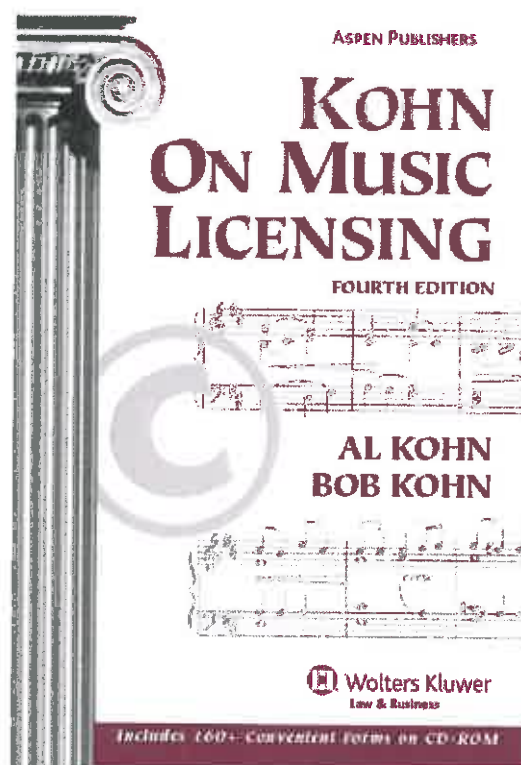
### UPCOMING CCC EVENTS:

**An Evening with Paul Williams**  
**WEDNESDAY May 5, 2010**

**2010/2011 Board Election**  
Ballots Due by Tuesday May 4<sup>th</sup>.

Reserve your seat now at  
<http://www.theccc.org>.

*The CCC is honored to present the following short excerpt of Al and Bob Kohn's extensive and newly updated "treatise unlike any other book on the market," without which no music business library is complete. The authors have graciously extended a generous discount of 15%-off (a savings of over \$48), plus free shipping, by using the links and following the order instructions at [www.kohnmusic.com](http://www.kohnmusic.com). (Offer expires 6/30/10). Also, Al Kohn and Bob Kohn will sign a your copy of Kohn On Music Licensing at 9:15AM Saturday April 23rd at the ASCAP "I Create Music" EXPO.*  
– CCC Newsletter Editors



FROM CHAPTER 1: INTRODUCTION: THE  
MUSIC BUSINESS —ITS PAST AND FUTURE:

In 2002, David Bowie sat down in a rehearsal studio for an interview with the *New York Times* and mused pessimistically over the future of the record business:

"I don't even know why I would want to be on a label in a few years, because I don't think it's going to work by labels and by distribution systems in the same way," he said. "The absolute transformation of everything that we ever thought about music will take place within 10 years, and nothing is going to be able to stop

it. I see absolutely no point in pretending that it's not going to happen. I'm fully confident that copyright, for instance, will no longer exist in 10 years, and authorship and intellectual property is in for such a bashing."<sup>1</sup> "Music itself is going to become like running water or electricity," he added. "So it's like, just take advantage of these last few years because none of this is ever going to happen again. You'd better be prepared for doing a lot of touring because that's really the only unique situation that's going to be left.

It's terribly exciting. But on the other hand it doesn't matter if you think it's exciting or not; it's what's going to happen."

Is he right? Will copyright cease to exist? Will music itself become "like running water or electricity"? Our view on these questions is:

- (1) Yes, copyright will exist, but music licensing will change.
- (2) Yes, music itself will become like running water or electricity, but we are confident that performing artists and songwriters will continue to enjoy financial remuneration from the distribution and performance of their recorded works.

The changes in music licensing required to meter the "running water or electricity" may force changes in the conventional means of providing that remuneration to creators and copyright owners. In addition, creators and copyright owners may need to cede a measure of control over the use of their copyrighted works in order to reap the rewards they seek.

## A. Like Running Water or Electricity

That music is becoming like "running water or electricity" is a useful metaphor for what we believe is the coming, inevitable shift in the business model for digital media. This shift, in our view, will be characterized by the following: (1) a shift from a purchase model to a consumption model, (2) an increasing number and complexity of transactions, and (3) the ability and desire of consumers to become producers and distributors of original content and derivative works.

### 1. From a Purchase Model to a Consumption Model

We are already beginning to see signs of a transition from a *purchase model*, where consumers buy CDs and individual digital downloads, to a *consumption model*, where they simply access and use the content. The first examples of the consumption model were online music subscription services, such as Rhapsody — where a consumer can pay \$9.95 per month and enjoy performances of any tracks in the Rhapsody repertoire on demand. Others, of course, include peer-to-peer

file sharing and the enormous success of YouTube.

This transition is closely akin to one that occurred nearly a century ago — when the music publishing industry shifted from largely a purchase model (i.e., sale of sheet music) to a consumption model (i.e., the blanket licensing of public performances of live and recorded music).

### a. Market Drivers of the Consumption Model

Many subscription services have been operating for some time and have not achieved nearly the same success of permanent download services such as iTunes. Nevertheless, recall the market drivers for digital media discussed above: (1) bandwidth, (2) portability, and (3) ease of use. Until very recently, none of these factors were sufficiently developed to allow high quality streaming or over-the-air (OTA) tethered downloading of recordings or videos to portable devices in a way that is easy for consumers to use and manage. As a result, subscription services had been largely confined to the personal computer and while some services offered a means to transfer tethered-downloads to portable devices, it was by no means an easy user experience.

But the prospects for on-demand, cloud-based music services are encouraging. The Pandora App for the iPhone, which provides a semi-interactive webcast experience, was already a great success when the first true, portable on-demand music service for the iPhone, the Rhapsody iPhone App, was launched in September 2009. YouTube was one of the earliest applications of the iPhone, allowing the viewing of high-quality user generated and professional videos on the go. It is only a matter of time before such services mature and truly begin to fulfill the promise of easy to use, consumption-based music services.

### b. The Download v. Streaming Debate

There has been much debate in the Internet community about what will become prevalent: the transmission of music over the Internet by *streaming* or *downloading*? The debate is a false one. The shift from a purchase model to a consumption model should not be confused with whether a recording or video is downloaded or streamed in real-time to your player or storage device.

Suppose you want to hear the recording, *Let It Be* by the Beatles. You ask your voice recognition-equipped telephone/music player or home music system to play the song, your system notifies some celestial jukebox of your request, the recording is transmitted from the celestial jukebox to your device, which interprets the 1's and 0's for your tuner and speaker system, and you enjoy the performance. What we just described is music-on-demand, which has nothing to do with the question of streaming versus downloading.

In a world of increasing bandwidth, real-time streaming will be reserved for the delivery of live performances, such as

<sup>1</sup> Jon Pareles, "David Bowie, 21st Century Entrepreneur," *New York Times* (June 9, 2002).

talk radio and live concerts. Where content is pre-recorded, it will always make sense for the data comprising the content to be delivered to you by download than to be streamed in real-time.

### (1) The Importance of Cache

Imagine during a sit-down dinner of 100 people, the waiters start serving the salad. If the salad were served one piece of lettuce at a time to each of the 100 people, how many waiters (or “servers”) would it take to accomplish the task in a reasonable amount of time? Clearly, serving the salad one piece at a time would take more time using more servers than it would take if the salad were served on a plate all at once. The time that it takes to deliver the salad has little to do with the time it takes to eat it. In other words, the time it takes to transmit a work has little to do with the time it takes to consume the work.<sup>2</sup> It is simply more economical to receive a pre-recorded sound recording or motion picture in a few seconds for later rendering, than to receive it in real-time — the length of time it takes to listen to the recording or view the video. It is more efficient for the equipment to send the transmission in what computer engineers call “batch” mode rather than in “interpretive” mode.

This suggests that all forms of pre-recorded works — including digitized images and text, and sound recordings and motion pictures — will be copied into RAM or, at least temporarily, onto a user’s hard drive or other form of permanent storage, prior to the actual viewing or listening of the program. Even a webcast would be transmitted in this way — perhaps the next four or five recordings downloaded to your device to which you will listen one at a time at your convenience, while the next recordings are delivered to you in the same way. This would certainly improve your experience with the webcast when you enter a place where you have no Internet reception, as in a subway.

It thus appears that virtually all transmissions — other than live performances — will result in a fixation or reproduction of full copies on your device. In other words, digital life will include very little real-time broadcast.<sup>3</sup>

### (2) How Long Will You Save the Cache?

It is useful to consider that the download model is exactly how your Internet browser works today, with innumerable .html, .wav, .gif, and .jpg files caching on your hard disk for as long as 30 days. There is no reason to believe it will work any different with music files. This does not necessarily mean, however, that the user will maintain the copy for future private performances. The question becomes: if all pre-recorded works are downloaded to your device, how long will you keep

them? Will users choose to save everything that is transmitted to them? The answer to this question is not obvious.

Virtually no one saves every piece of html, gif, jpg, java applet, and other data that is ever cached during the course of web browsing for more than the typical 30 days, the default setting on most web browsers. Why save music any longer? Do people indefinitely save every television program ever recorded on their Tivo or DVR recording systems?

Saving everything that is downloaded to you has its costs. Recording digital transmissions does not eliminate the need for physical copies; it only transfers the cost of physical storage from the transmitter to the user who pays for the physical copies in the form of storage space (e.g., space on audiocassette tape, hard disks, optical drives, and solid-state memory). As the cost of permanent storages goes down, a consumer may tend to save more than he deletes.

One aspect of the question arises from the competition between *public* and *private* performances. When a consumer plays a DVD or a downloaded video at home, the performance of the film and the music in the film is a *private* performance. As we shall see, copyright owners only have an exclusive right in performances that are made *publicly*. The largest source of music publishing revenue is from public performances of musical works. If downloading should convert public performances into private performances, then music publishers and songwriters would need to seek ways to replace that income through another means.

It may well be that in fashioning a future solution to the problem of remunerating copyright owners, the distinction between public and private performances may become obsolete.

## 2. An Increasing Number and Complexity of Transactions

The second defining aspect of the shift from physical to digital media is a combination of (a) an increasing number of works available, (b) an increasing number of transactions, marked by a decreasing transaction size, (c) an increasing complexity of determining the share of revenues earned by each work, and (d) an increasing complexity in identifying the rightsholders of each work.

### a. An Increasing Number of Works Available Online

In his book, *The Long Tail*,<sup>4</sup> Chris Anderson suggested that the low marginal cost of making available even obscure works of authorship will mean that virtually every work that could be made available digitally will be made available digitally. We are already seeing virtually every record ever recorded, old and new, making its way on iTunes and other online music services. With companies such as Google, whose

<sup>2</sup> Negroponte, *Being Digital* (Alfred A. Knopf, New York 1995).

<sup>3</sup> *Id.*

<sup>4</sup> Chris Anderson, *The Long Tail: Why the Future of Business is Selling Less of More* (Hyperion, 2006).

mission statement is “organizing the world’s information,” making huge investments in technology to drive the process, there is no reason to think this trend will not continue.

*b. An Increasing Number of Transactions and Decreasing Transaction Size*

The passing away of Francis Albert Sinatra in 1998 marked the end of an era, but he remained with us long enough to witness the dawn of a new age, one that was hailed as the *digital millennium*. In Sinatra’s day, the singer’s record company would ship copies of his classic albums to record stores and chains by the crate-load. The transaction size of such a shipment would average in the thousands or tens of thousands of dollars. By contrast, in the new millennium, iTunes delivers a monthly report to singer’s record company listing tens of thousands of individual transactions, each earning the record company a royalty of about 70¢ each. iTunes is generating such reports to thousands of record labels with individual transactions numbering in the hundreds of millions.

When a subscriber to an online music subscription service, such as Rhapsody, pays a monthly fee to access performances of recordings, on-demand, as many times as they want, the number of transactions reported to the labels increase by an order of magnitude. For example, if the consumer pays \$10 per month and listens to 2,000 streams of recorded music in that month, the consumer’s effective cost for each transaction is  $\frac{1}{2}$  cent. If Rhapsody pays the labels a royalty of one-half of that amount, then the transaction size of the 2,000 transactions to the label is about  $\frac{1}{4}$  cent.

In his more recent book, *Free*,<sup>5</sup> Anderson suggested that an increasing amount of goods and services offered online will be provided to the consumer for “free.” While he admits that nothing is really truly free, we are seeing some online music services, such as iMeem, LaLa, Qtrax, and Spotify, experiment with an advertising-based model, providing music on-demand to consumers at no charge. Services that do not charge a subscription fee are likely to attract a greater number of potential users than those that do. The amount of transactions generated by advertising-based services is therefore likely to be much higher than those generated by subscription services. In addition, if the amount of advertising revenue generated by such services is less than subscription revenue, the transaction sizes reported by the labels, subject to some minimum, could be lower than those reported by subscription services.

*c. An Increasing Complexity of Determining the Share of Revenue Earned by Each Work*

When a download service, such as iTunes, sells a digital

download, a portion of the money collected is paid to the record label that controls the recording. For example, where iTunes sells a download for 99¢, it will pay the record label a royalty of 70¢. Each month, iTunes sends to each label a report indicating the tracks such label owns or controls that were sold, how many of each track was sold, and the applicable royalty per copy downloaded.

Likewise, when a subscription service earns a fee from a subscriber, a portion of that fee is paid to the owners of the content. But that’s where the similarity ends. For example, if a subscription service charges ten subscribers a monthly fee of \$10, then the service may owe one-half of the subscription revenue, or \$50, to record labels. Each record label is entitled to a *pro rata* share of such \$50 based upon the number of tracks controlled by such label that are actually transmitted to the subscribers during the applicable month. Thus, if 5% of the performances were of tracks owned by a particular label, the *pro rata* share of revenues to which that label is entitled would be \$2.50.

Under most record company contracts, an artist’s share of royalties will depend upon the method by which the recordings were used. The sale of a track by digital download may earn a royalty at one rate (e.g., a percentage of the retail price of the download, less various deductions defined in the contract) and the transmission of a track by an on-demand streaming service may earn the artist a royalty based on a completely different rate (e.g., 50% of gross receipts attributable to the license of the recording for such service).

Each new business model proposed by an online music service poses a challenge to the record labels and music publishers struggling to fit new ways of doing business into existing business conventions. Eventually, those conventions may need to change to accommodate the realities of technological progress.

*d. An Increasing Complexity of Identifying the Rightsholders of Each Work*

The digital revolution not only fundamentally changed the way recordings and videos are delivered to the consumer, it also has had a profound effect on the way recordings and videos are produced. Digital recording techniques invented in the 1980s gave rise to the development of software that allows creators of recorded music to manipulate sounds in ways theretofore unimaginable.

Inexpensive personal computer software packages such as Digidesign’s ProTools allows record producers to digitally sample existing recordings and include those samples in new recordings. The waveform of a sampled sound may be displayed on a computer screen and modifications may be made in the waveform to more precisely change the characteristics of the sound it produces. For example, one can change the speed at which the sound is rendered, eliminate sounds, add new ones, introduce echo or other sound effects, and, by reversing the sequence of the digital information, the

<sup>5</sup> Chris Anderson, *Free: The Past & Future of a Radical Price* (publisher, 2009).

sounds can even be rendered backwards.

When sounds are sampled from another's copyrighted work, legal arrangements may be made for co-ownership of the resulting new work.<sup>6</sup> But this is not the only way that a single copyright may be controlled by multiple owners. Collaboration between authors to create a *joint work*<sup>7</sup> will create multiple owners and grants of shares of copyrights, such as under a *co-publishing agreement*,<sup>8</sup> will further increase the number of owners of the copyright. Grants of exclusive rights to exploit a copyright overseas will split ownership or control of the copyright even further. For more on what we call *The Split Copyright Syndrome*, see Chapter 6.

When a work such as a motion picture is created, it will typically contain numerous copyrighted sound recordings, musical works, and even other audiovisual works owned by others — each of which, of course, may be controlled by multiple owners. Where the creator of the work is in the business of producing commercial content, such as a film producer producing a theatrical motion picture, a legal and business infrastructure exists to address the complexities of identifying the rights-holders and clearing the licenses necessary for the use of the third party materials. Where, however, a noncommercial user takes or digitally samples one or more copyrighted works, incorporates the works or samples into his or her own user-generated audio or video and uploads it to YouTube, the responsibility for identifying the various rightsholders and associating with the work becomes problematic.<sup>9</sup>

## B. The Future of Music Licensing

In light of these challenges brought about by digital technology, will music, as David Bowie suggested, flow like water or electricity and copyright cease to exist in the digital world? These are not unreasonable questions.

Imagine we project the continuing development of technology such that the key drivers of digital media growth — bandwidth, portability, and ease of use — reach a level of advancement once the dream of science fiction writers: the realization of the “celestial jukebox” — every record ever recorded, movie ever made, book ever written, all stored on “cloud” computing servers — accessible from the web or your wireless device via easy to use browser or client software supporting voice command, drag and drop, and perhaps intelligent agent software that learns what you like and acts on your behalf to pull new music for you to discover. Or perhaps all of these works of authorship are simply loaded on to a

solid-state chip you plug in to your portable device, such as your phone or “tri-corder,” which could be updated over-the-air continually with new music, videos, and books. If music did, indeed, flow like “water or electricity,” or could simply be carried around in your pocket, will the exclusive rights accorded to owner of copyright cease to have any practical affect? In our view, copyright will survive whatever technological advances may bring; what may change, however, is nature of music licensing.

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<sup>6</sup> For more on these arrangements, see Chapter 24, on *The Digital Sampling Controversy*.

<sup>7</sup> For more on joint works, see Chapter 7, on *The Language of Music Licensing*.

<sup>8</sup> For more on co-publishing agreements, see Chapter 4.

<sup>9</sup> For more on this problem, see Chapter 16, on *The User-Generated Content Phenomenon*.

## Panelist Bios

### Gino Olivieri PREMIER MUZIK

(Gino Olivieri started his music career back in 1976 as a Mobile DJ (1976 through 1985), and then in 1985 until 1995 DJ'd at various Montreal clubs.

In 1985, began his "sales" in the music industry working in a local record shop in Montreal, "Disco Library".

In 1987, crafted his sales and promotion skills working for UNIDISC MUSIC INTERNATIONAL while also working part time for NUMUZIK PRODUCTIONS INC. In 1988 leaving Unidisc Music and concentrated full time at Numuzik as Head A&R and Assistant Dance Buyer.

In 1988 Gino started editing, remixing, and eventually producing various singers and groups in the Montreal area.

1990 began remixing and producing tracks for more Canadian artists and groups and American ones as well. In this same year, building "IN-DA-MIX Studio" and record company Premier Muzik Productions.

In 1992, an idea of giving people "dance music they wanted to hear" on compilation was becoming a reality. At Numuzik, was responsible for the development of the DJ compilation series "DJ LINE", this eventually spun into a partnership between Numuzik and PolyTel/PolyGram. All together was the development of a brand new series, "DJ CLUB MIX", mixed and produced by Gino. This series had become one of the most prominent and successful "CLUB" compilation series in Canada, with sales of this collection exceeding 1.5 million copies alone.

Other established series by PolyTel that was mixed and produced by Gino included mixing the "100% Percent DANCE HITS" series that had sold almost 1 million units.

Another first was the producing and mixing of the very first Major Record company joint venture series entitled "MUCHDANCE" this 1<sup>st</sup> Volume sold in excess of 750,000 units. By the mid 90's was nicknamed "One of the hardest working DJ's in Canada" by "Daniel Caudeiron" writer for – "THE RECORD" (the Canadian billboard equivalent).

Gino has so far produced edited, megamixed and mastered nearly 200 different albums & compilations, and has written, produced nearly 250 songs to date and several TV scores and TV commercials.

Gino has remixed and worked with numerous National & International artists such as: ACE OF BASE, BARRY MANILOW, ULTRA NATE, CORONA, THE OUTHERE BROTHERS, SHAWN CHRISTOPHER, BARBARA TUCKER, D-TRAIN, GINO SOCCIO, LIME, FRANCE JOLI, GARY'S GANG, ANDREA TRUE CONNECTION, SYLVESTER, FRANKIE SMITH, YA-KID-K, NO MERCY, LOST, CAROL JIANI and DIMITRI FROM PARIS.

In April '96, Gino launched the international record label "FINGER-PRINTZ Records", and with its first release created such a world impact with the infamous Dance version of Celine Dion's ballad "Because You Loved Me / Lost". This version was rumored to be a bootleg of Celine Dion's original vocals. The group "Lost" eventually became DMA's (Dance Music Authority) Dance group of 1996 after maintaining 16 long weeks at "Number 1". Lost was eventually released in over 50 countries of the world.

"FINGER-PRINTZ Records" also had such great success with German group "666", with several "Number 1's" as well as 3 Top 10 hits (National Dance Chart – The Record) and three Number 1 videos on MUCHMUSIC "ELECTRIC CIRCUS" and MUSIQUE PLUS "BOUGE".

In 97 & 98 Gino also handled Dance A&R as well as royalty administration for two other Canadian labels TYCOON RECORDS INC and for ISBA MUSIC & ENTERTAINMENT who were responsible for THE VENGA BOYS & ALICE DJ's success in Canada. Gino's other responsibilities included foreign licensing and representation of groups, producers and artists alike, being fluently Trilingual has had enormous importance on many dealings with foreign companies around the world.

August 99 will be a new beginning for newly renamed PREMIER MUZIK PRODUCTIONS to "Premier Muzik International Corp" who has released brand new compilations namely "In-Da-Mix, 1st Fix".

In March 2000 brought a few new productions including Hilary Porter "My Love Will Lift You Up" and with Disco Diva "Carol Jiani" entitled "Hit & Run Lover 2000".

The winter of 2001 also brought a veteran reggae artist "Lady Shelly's" new album. As well as a newly styled series entitled "CHILLOUT EXCELLENCE Lounge 1".

The summer of 2001; “SEX-SHOP” the most talked about TV series in Quebec Canada brought a dance series compilation associated with the sultry and sexy hostess of the same name.

February 2002 gets chilled once again with “CHILLOUT EXCELLENCE Lounge 2”.

March 2002 brought on a significant award to Gino Olivieri & Premier Muzik International Corporation for its work in the music industry as a member of the US National Register’s “WHO’S WHO” in Executives and Professionals.

In June of 2002 “Gi-Note Music” a publishing division of Premier Muzik International embraced hundreds of songs in representation for placement on TV shows, Commercials and Movies and compilations for North America.

December 2002, being a huge fan of Acid Jazz / Lounge / Chillout for so many years, Premier Muzik International released a new series “BOUDOIR BEATS”, a new series catering to an average person or couple who want more of a calm or atmospheric music in a subtle ambiance or dinner party.

Gino Olivieri & Premier Muzik International one of Canada’s trusted and respected music industry members. Over 15 years of productions and representation in Music and publishing. Gino Olivieri, part of historical Gold and Platinum selling album, compilation series in Canada and abroad and proud to have been part of many success stories of MANY artists.

Extensive knowledge and expertise in “Administration”, “Catalog Merging & Acquisitions” for the last 10 years. Publisher and administrator for many international artists and producers including many European Catalogs.

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## **Michael Perlstein**

[mperlstein@fpplaw.com]

Michael Perlstein has practiced law for over forty years with the focus of his practice on music publishing and recording industry transactions. He represents leading artists, writers, music publishers and the estates of deceased artists and songwriters. A significant element of his practice is analysis and resolution of complex copyright issues involved in: purchase and sale of catalogs and individual works, estate planning and separation agreements and divorce settlements.

He is the author of the following articles: *In Re Marriage of Worth – Copyright as Community Property: Questions about Worth are More than Merely Trivial*, April 1988 Entertainment Law Reporter; *Contracts with Kids: A Limited Discussion of Entertainment Industry Contracts Involving Minors, Under California Law*, 1992-1993 Entertainment Publishing and the Arts Handbook; the chapter entitled *Music Publishing* in Entertainment Law, Editions 1, 2 and 3, New York State Bar Association (1989, 1996 and 2004); *A Cue Sheet Primer*, March 2000 edition of The Score, the Journal of the Society of Composers and Lyricists; *Some Aspects of United States Music Publishing Agreements: The Exclusive Term Copublishing Agreement and the Minimum Delivery Commitment*, January 2001 Journal of the International Association of Entertainment Lawyers, *Fundamentals of Termination Rights*, 2007 and 2008 syllabi of the Entertainment Law Institute of the Texas State Bar, *She Got the Gold Mine, I Got the Shaft: When Copyright Collides with Community Property*, 2008 syllabus of the Entertainment Law Institute of the Texas State Bar and the chapter entitled *International Copyright Basics*, in Copyright Practice, 2008, HalfMoon, LLC.

He is an adjunct associate professor of law at Southwestern Law School in Los Angeles, teaching the course on the law and business of music publishing for which he created the case book. He is frequent lecturer and panelist on music industry and copyright topics.

Mr. Perlstein holds an LLB degree from the University of California School of Law at Berkeley (Boalt Hall). He serves as a trustee and officer of the Los Angeles Copyright Society and is a member of the California Copyright Conference and the National Academy of Recording Arts and Sciences.

He is a member of the Bar of California, New York and Illinois.

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## **Christian Sarrazin**

**Vice President - Industry Relations and Strategic Intelligence**

**SOCAN**

Christian Sarrazin joined SOCAN in 2006, assuming executive-level representation for SOCAN on various international organizations such as CISAC, the International Confederation of Authors and Composers Societies, where he sits on the 20-member Common Information System (CIS) Supervisory Board, a decision-making body on CIS tools & rules, and assumes the elected chairmanship of

the strategic Business & Technology Working Group. He is also a member of the Management Board of FastTrack, a technology alliance amongst some of the world's largest music rights societies.

As part of his mandate at SOCAN, Sarrazin also focuses on the epoch-changing state of the music industry with the advent of Internet and the spreading of mobile telecommunications. He monitors business and technology trends, assesses their implications, and spearheads SOCAN's thrust in making the right decisions to mitigate threats and risks, and capitalize on opportunities.

Sarrazin has some 30 years of experience as a diplomat and a senior business executive. His career in the Canadian Foreign Service has included a number of postings abroad, notably in the People's Republic of China as Consul General in Shanghai, and various positions at the Department of Foreign Affairs and International Trade while in Canada. In government, he also worked at the Canadian Commercial Corporation, a trade enterprise specializing in government-to-government international business, where he eventually became Chief Operating Officer.

In the private sector, he held several executive management positions in Asia for telecommunications companies such as Teleglobe, Harris and Motorola. Immediately prior to joining SOCAN, he operated his own business, CBCS GLOBAL, based in Singapore, establishing and expanding his clients' presence in telecommunications markets throughout Asia.

Trained as an economist, he is a graduate of McGill University (B.A. Honours) in Canada, and Université catholique de Louvain (M.A.) in Belgium.

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## **Moderator Bios**

### **Cedar Boschan**

#### **HUREWITZ, BOSCHAN & CO. LLP**

Cedar Boschan secures royalty entitlements and other payments for her clients. Ms. Boschan's innovative and respected audits of major companies in North America, Asia and Europe recover millions for recording artists, publishers, composers and other clients. Ms. Boschan and her Los Angeles-based firm Hurewitz, Boschan & Co. LLP provide the music community with modern, top-quality compliance audits, as well as litigation support, catalog valuation and statement preparation services. Hurewitz, Boschan & Co. LLP specializes in holding international licensees and business partners accountable to clients with intellectual property rights interests.

Before cofounding Hurewitz, Boschan & Co. LLP in 2009 with CPA Matthew Hurewitz, Ms. Boschan managed royalty audits for eight years at Wolinsky, Becker & Hurewitz, LLP and Miller, Kaplan, Arase & Co., LLP. Prior, Ms. Boschan worked in Artist & Repertoire and Business Affairs capacities in the record industry. Her music business experience dates back to 1992, when, at age 14, Ms. Boschan cofounded Rhino's, an all-ages nightclub in Bloomington, Indiana that is still in business today. Ms. Boschan serves on the board of directors of the California Copyright Conference

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### **Steven Winogradsky**

#### **Winogradsky/Sobel**

With over twenty five years experience as an attorney in the music industry, Steven Winogradsky is a partner in Winogradsky/Sobel in Studio City, California, providing global media and music business affairs & legal support for composers, songwriters, music publishers, recording artists and television, film, video and multi-media producers. In addition to an entertainment law practice, the company handles music clearance and licensing in all media for many production companies, worldwide administration of the publishing catalogs for a number of clients and New Media strategies and Revenue Modeling.

Prior to being in solo practice with The Winogradsky Company from 1992 to 2009, Mr. Winogradsky had served as Director of Music Business Affairs for Hanna-Barbera Productions, Inc., Managing Director of Music, Legal & Business Affairs for MCA Home Entertainment, Director of Music Licensing and Administration for Universal Pictures and Universal Television and Vice President of Business Affairs for The Clearing House, Ltd.

He was twice elected President of the California Copyright Conference, after spending nine years on the Board of Directors, served for four years as President of The Association of Independent Music Publishers and was named as one of the Outstanding Instructors in Entertainment Studies and Performing Arts at UCLA Extension, where has taught since 1997. He has written numerous magazine articles on the subject of music for motion pictures and television and lectured on a variety of music-related topics at various symposia.