

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: MY STORY
Date: Monday, March 22, 2010 5:15:30 PM

Dear Ms. Espinel,

I'm a small business owner. I own a music publishing company in Nashville, TN and have for the past 20 years. This year my income is down \$200,000 mainly due to labels not paying as well as internet downloading.

Over the past year or two, it has gotten increasing harder to get paid by the labels. They refuse to license my songs and then refuse to pay. Below are several recent examples of theft from within the music industry.

EMI Records - Kenny Rogers cut our song called ONLY TIME WILL TELL. The license is in place but we've seen not one dime. We've been in constant contact with EMI. They advised us recently that they were told by the powers that be not to return phone calls unless it was for a lot of money. The employee of EMI also stated that the royalty department for EMI recently relocated to India so good luck getting paid. We're owed more than \$7000.00.

EMI/The Firm - Mandy Moore cut five of our tunes in 2007. The songs were licensed. We received one nominal payment and are due approximately \$20,000.00. The Firm has refused to pay. One gentleman said he had the \$11,000.00 that was owed at the time but we'd have to sign an agreement that no future royalties were owed. He said they had pulled the record from the shelves. However, one minute on the internet proved you could still purchase the album on iTunes as well as Amazon. We have issued a cease and desist, but to no avail.

Warner Bros. Records Nashville recently put out two full records on one of my songwriters. They refused to license the songs for over three years. I was forced to take them to court. Though the case was settled out of court and the terms of the settlement are sealed, it was very expensive for me to collect monies rightly owed to me. I can assure you they paid their attorneys much more than was owed to me.

Roadrunner Records - Lynyrd Skynyrd My writer wrote the title cut GOD AND GUNS. This song is unlicensed therefore we're not getting paid. It was released in the fall of 2009. Their excuse is they are waiting on splits from other songwriters. However, that is not my problem. My splits are in. The label only wants to pay 75% of stat. I do not agree to those terms. I want what the law gives me...100% of the statutory rate. The approximate amount of monies owed is \$8000.00

I think labels not paying is a much more significant infraction than folks downloading songs. These are professionals that know the ropes and routine. There is no excuse for a label not licensing a song and paying for the use of it. It is white collar crime.

Don't get me wrong, I think anyone that uses one of my copyrights should pay for the use of it. It's impossible for me to police individuals who illegally download my tunes. It's even more impossible to prosecute them. My current more pressing issue is labels that use my copyrights and refuse to pay. As a small business owner it is a financial burden on my company to have to hire a litigator to go after the labels.

Thank you for listening. I hope your efforts to gain knowledge and find a solution for the owners of intellectual property rights is successful. Good luck is all I can say.

Melanie Smith-Howard
Nashville, TN
Independent Music Publisher