

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](#)  
**Subject:** Comments on Intellectual Property  
**Date:** Wednesday, March 24, 2010 1:04:04 PM

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Dear Ms. Espinel and the Obama Administration:

I am the Vice President of Business Affairs at Hal Leonard Corporation, the world's largest music print publisher. We produce sheet music, songbooks, and method book/CD packs for all instruments, as well as band, orchestra and choral arrangements, reference books, instructional DVDs and videos, CD-ROMs and other music software, children's music products and more.

Our company's livelihood depends on intellectual property rights, and we face battles on a daily basis against piracy and infringement. For many years, this infringement took the form of photocopy machines that were used primarily by schools and churches to duplicate choral, band and orchestra music for their groups. As technology has evolved, this infringement now takes the form of digital files that can be distributed to millions of people through the internet by the click of a mouse. Composers, arrangers, publishers and music dealers are losing a significant percentage of their income because of illegal photocopying and illegal downloads. This loss of revenue ultimately means that less and less printed music is available for sale, short print runs mean higher prices for what is available, and dealers are no longer able to afford to carry large stocks of music. There are some stores that solely offer print music, and they're finding the business to be more and more financially difficult. Unfortunately, one of our best customers, Patelson Music House in New York City, has just gone out of business leaving a gaping hole for the music arts community of that city.

It has become very easy for Internet infringers, in particular, to offer a large selection of music quickly with little cost to them. A legitimate print publisher makes a large investment in order to create the printed music, employing people who can arrange or transcribe the song, engrave, edit, clear the rights, manufacture, distribute, and sell the music to the end user. In addition to those costs, we have to now dedicate a substantial portion of our resources in order to protect the rights that we have been granted. The infringers simply take one of our publications and easily create PDF files which they then put up on the internet. They either sell the music or offer it free of charge to anyone.

One of our great frustrations concerns the time and cost of identifying these infringers, determining which works of ours they are infringing, and then sending them a notice in order to have the infringing materials removed, which often means that we have to provide specific web addresses and links showing the use of the illegal material. Rarely are we able to obtain any sort of monetary settlement for these indiscretions, and even if we do, the remedy does not come close to covering our costs in pursuing these actions.

The legitimate rightsholders bear far too much of the burden of protecting their intellectual property rights. The infringer is only burdened by having to remove material that they did not have the right to make available, and often they are still able to continue their activities if other rightsholders were not aware of the infringements and did not also send notices with respect to their material.

The government has been active in stopping illegal clothing and cosmetics from flowing into our country. The government has been very active in stopping the illegal distribution of pirated films. The government has helped to stop the illegal distribution of songs over the internet.

Although the music print industry is much smaller than these industries, we hope that the government can look into this issue and find ways to make it easier for rightsholders to protect their intellectual property while providing serious consequences to infringers in order for this activity to be discouraged. Solving this problem is critical to the long term survival of authors, composers, publishers and retailers.

Sincerely,

Nancy Ubick  
Vice President  
Business Affairs

Hal Leonard Corporation  
Milwaukee, Wisconsin