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Musicians Union of Las Vegas, Local 369 AFM



TORONTO
MUSICIANS'
ASSOCIATION
LOCAL 149 CFM & AFM

December 6, 2019

Carianne Marshall, COO and Co-chair
Warner Chappell Music
777 S. Santa Fe Ave.
Los Angeles, CA 90021

Jody Gerson, Chairman and CEO
Universal Music Publishing Group
2100 Colorado Avenue
Santa Monica, CA 90404

Keith Watson, COO
Peaksware Holdings
obo Alfred Music Publishing
16320 Roscoe Boulevard,
Suite 100
Van Nuys, CA 91410

Jon Platt, CEO and Chairman
Sony/ATV Music Publishing
25 Madison Ave. 24th Floor
New York NY10010

Hartwig Masuch, CEO
BMG Rights Management
1745 Broadway, 19th Floor
New York, NY 10019

Keith Mardak, CEO
Hal Leonard Corporation
7777 W Bluemound Rd,
Milwaukee, WI 53213

Re: Tresóna and Custom Arrangement Licensing

Dear Carianne, Jody, Keith, Jon, Hartwig and Keith:

We are writing on behalf of our members who create custom arrangements for band, orchestra, show choir, theatre, and many other live settings. They have approached us individually and in groups to let us know of the growing loss of work they are suffering, which they attribute to new practices in your companies' enforcement of the rights required for custom arrangements. As leaders of union locals we understand the need to defend artists and their right to compensation, and we support the objectives you are pursuing. While we have no complaints with your objectives we do hope you will reconsider the directions you have given the agent who is carrying out the related collections, which we understand to be Tresóna Multimedia, LLC (Tresóna), and wanted to be sure you were aware of the tactics reportedly being employed by Tresóna in order to achieve your objectives.

Thus far, in the orchestral, band and drum corps sectors, when custom arrangements are utilized in a show or series of shows, we understand Tresóna is serving the not-for-profit arts presenter, the show "packager" and the arranger with cease and desist orders, and taking further legal action when these parties do not comply. When the parties do comply we understand that the proposed fee for licensing is causing not-for-profit arts presenters to reconsider whether they wish to produce the related show at all, and has caused a significant number of cancellations. This increasingly common occurrence has the effect of a loss of work for our members, a loss of Public Performance royalties for your companies and the composers and songwriters you represent, and a loss of revenue for not-for-profit and related arts presenters. These cancellations also mean lost opportunities to expose the songs in your catalogs to what often are new audiences, and therefore lost spin off revenues for your companies.

While we do not represent our members in copyright matters, only in labor matters, we understand that they have no other collective voice in this area. If we may be of any assistance in convening conversations around custom arrangement licensing, or if you have other ideas of how we can help resolve this matter, please do not hesitate to reach out.

Best regards,

Pat Hollenbeck, President
Boston AFM Local 9-535

John Acosta, President
Los Angeles AFM Local 47

Adam Krauthamer, President
New York AFM Local 802

Jack Gaughan, President
Las Vegas AFM Local 369

Dave Pomeroy, President
Nashville AFM Local 257

Michael Murray, Executive
Director
Toronto AFM Local 149

CC: Keith Watson, Peaksware Holdings obo Alfred Music Publishing
Jon Platt, Sony/ATV Music Publishing
Hartwig Masuch, BMG Rights Management
Keith Mardak, Hal Leonard Corporation