



LESI Copyright Licensing Committee
Update On Digitalisation and Music Landscape of US

Date: 15 February 2023

Time: 9:00am EST / 10:00pm SGT

Venue: Online via Zoom

Registration link: <https://lesi-org.zoom.us/meeting/register/tZEtf-yhrDorGNBZSw6ZtHj-dKcDVBLtGOWe>

We all enjoy music via streaming these days. The US has the largest share of paid subscriptions for DSP music. Revenue in this segment in the US is projected to reach US\$6.03b in 2023.

In 2018, the Music Modernisation Act was signed into law. It had 3 objectives. The main objective was to create a blanket license for interactive streaming services. The other two were to create rights for pre-1972 sound recordings and for music producers, mixers and sound engineers.

Besides blanket licensing for streaming, the Act establishes a mechanical licensing collective (MLC) and Digital Licensee Co-ordinator. The MLC was formed by a coalition of music companies. For sound recording rights, it is the Sound Exchange which is collecting the license fee. The Sound Exchange has also been active in the lobbying of the American Music Fairness Act 2022.

After 5 years since the enactment of the Music Modernisation Act, we are privileged to have Serona Elton, Head of Educational Partnerships of Mechanical Licensing Collective and Ryan Lehning, Assistant General Counsel, International of Sound Exchange to share with us the state of play in this area in the US.

PROFILES:

Serona Elton

Head of Educational Partnerships, The Mechanical Licensing Collective

Serona Elton is currently the Head of Educational Partnerships for The MLC. She is also a full professor and Director of the Music Industry Program at the University of Miami Frost School of Music, a Yamaha Master Educator, a licensed attorney, and an alumna of the Nashville-based Leadership Music program.

Elton has worked for or with major music companies including EMI Recorded Music, Sony Music Entertainment, Universal Music Group, and Warner Music Group in areas involving royalties, licensing, and music metadata. She has served in leadership roles for the Music and Entertainment Industry Educators Association (MEIEA), the Copyright Society of the U.S.A., the Florida Bar Entertainment, Arts, and Sports Law Section, and the Recording Academy. She is co-author of the 13th edition of the Music Business Handbook and Career Guide and is regularly asked to provide commentary on music industry topics for media outlets such as NPR's Marketplace, CNN.com, Bloomberg, and Billboard. She is a graduate of Brooklyn Law School (2000), the University of Miami (1995), and the University of Florida (1993).

Ryan Lehning
Assistant General Counsel, International

Ryan Lehning is Assistant General Counsel, International at SoundExchange, responsible for international legal activities on behalf of the company's member artists and labels. Prior to joining SoundExchange, Ryan served as counsel with SONY BMG Music Entertainment in New York where he handled copyright, trademark, e-commerce, new media, and other intellectual property matters. Prior to SONY BMG, Ryan was an associate in the law firm of Smith & Metalitz LLP in Washington DC where his practice focused on domestic and international copyright matters for a diverse portfolio of clients in the music, film, television, software, and book publishing industries. In addition, Ryan served as counsel for the Coalition on Online Accountability, a group working to ensure the enforcement of copyright protection in the online world. Ryan is a graduate of Georgetown University Law Center (2002) and Belmont University (1997).

Irene Calboli
Professor of Law

Irene Calboli is Professor of Law at Texas A&M University School of Law, Academic Fellow at the University of Geneva, Senior Fellow at Melbourne University, Transatlantic Technology Law Fellow at Stanford University, and Associate at Singapore University of Social Science. In 2022, she was a Fulbright-Hanken Distinguished Chair in Law and Economics in Finland. In 2018, she was a Fulbright Specialist in Cambodia. Irene is a well-known expert in the field of trademarks, geographical indications, overlapping rights, and intellectual property exhaustion. Her recent research focuses on the relationship between intellectual property, the circular economy, and sustainable development. Irene's latest books are the Handbook of Intellectual Property Research (OUP 2021, with L.M. Montagnani) and the Cambridge Handbook of Comparative and International Trademark Law (CUP 2020, with J.C. Ginsburg). Irene regularly advises national governments on intellectual property matters, and is an expert for WIPO, WTO, the International Trade Center, the EUIPO, and EU Commission. In the past decade, she co-founded two large research networks for academics in Asia in collaboration with WIPO and WTO.

George Hwang

George Hwang is an IP/IT and Media Lawyer with more than 20 years of experience. He is Skilled in Commercial IP, Copyright, Reputation Management Law. Besides his home country, Singapore, he has worked in many other countries. They include Hong Kong, England, Bulgaria, Belgium and the Bahamas.

Some of the cases which George has worked on include the landmark case of Dorsey v World Sports Group in the apex court of Singapore, where the court overturned the High Court's decision directing the Defendant, a journalist to reveal his source for the applicant's confidential information, and Lee Hsien Loong v Roy Ngerng, where a blogger was sued by Singapore Prime Minister for defamation.

George is also the Content Partner for LexisNexis' Practical Guide for IP/IT – Corporate M&A and Finance. George has published chapters in books and law journals such as European Intellectual Property Review. He has published articles on Music such as WIPO Report on the Online Music Market in Asia, Legal Aspects of Music Publishing in Hong Kong and Music Publishing in the Far East. He is currently co-Chair of LESI's Copyright Committee and a director of SingPop Music Ltd, a non-profit organization formed to develop and promote Singapore music. As a human rights advocate, George advised Singapore's First Mass Petition to Parliament to Repeal s377A. This is a provision which criminalizes sex between men. This year, the PM has announced that the Singapore government will be abolishing this law.