

From:
To: [FN-OMB-IntellectualProperty](#)
Cc:
Subject: Intellectual Property Enforcement
Date: Tuesday, March 23, 2010 12:18:07 PM
Attachments: [Pres. Geo. W Bush - royalties letter.doc](#)
[A Call to Liberate Black Music.doc](#)
[Pres. Geo. W Bush - Blk Music Month.doc](#)

Dear Ms. Espinel,

A long and painful journey, with the loss of many millions of dollars, has led us to this opportunity to place before you our plight in stolen royalties and flagrant copyright infringements. Our corporation was formed in Oct. 1989 to preserve, promote and publish the musical works of the late Van McCoy and I have been at the helm for the 20 year period. Only by the grace of God have we survived the crushing weight of Warner, EMI, Harry Fox, Universal and more recently Tyler Perry Studios and Lionsgate Films, who jumped on the bandwagon.

We are profoundly grateful to see this serious effort by President Obama's administration to get a firm handle on the enforcement of copyright laws. We have placed this problem before both the Clinton and Bush administrations but got no real change in the situation. I firmly believe the nation and the world will see some action now in protecting our copyrights and getting paid for our music. Some of the correspondence sent to the Bush administration is attached. Unfortunately none of the exchange with Ms. Reno's office is still on my computer due to a hard drive crash a few years ago.

In October 2007 I presented a paper at the annual convention of the Association for the Study of African American Life and History (ASALH). It generated much interest and I had hoped to form a "Coalition to Liberate Black Music". All of the persons who I approached briefly with the idea were supportive and said they would be glad to help. Some of them are: Mr. & Mrs. Dick Gregory, Dr. Dorothy Height, Martin L. King, III, Marion Barry, Joe Madison, Judy Adams (widow of Johnny Adams) & Attorney Roscoe Dellums. Unfortunately, financial and health problems have blocked my efforts.

Ms. Espinel, the best redeeming feature of all we have been through is that I have emerged a world class expert on the music industry. I know the shell game that disappears royalties in your face. I know where and how they bury money in foreign uses of American music and how many of the foreign societies cooperate in the veil of secrecy that prevents discovery. Much of the evidence of stolen money is right on the royalty statements sent out and I know who to read them. I know this industry from top to bottom. Please let me be an integral part of the Joint Strategic Plan process. If you are interested in this, you will find my education and experience credentials are excellent and my knowledge base is extensive. My hearts' desire is to use my ability to help end this 100 year injustice to American music, who's genesis is Black music. Please know that I am not seeking employment, and wish only to give my services to help this cause that means so much to so many.

We are all deeply in debt to our President for bringing our nation such a long way in such a short time. Just as his administration has liberated "Health Care" so will they liberate "American Music". Our physical and economic health will be greatly improved. To God be the Glory.

Respectfully submitted,

Mattie I. Taylor
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October 25, 2006

President George W. Bush
Office of the White House
1700 Pennsylvania Ave. NW
Washington, DC

Dear President Bush;

With much urgency we are bringing to your attention a blatant violation of the intellectual property and civil rights of Black American Music Makers. For the past 17 years we have been deeply involved with the Music Industry through our work to preserve, promote and publish the music of the late Van McCoy. We are the U.S.A. publisher for almost 600 songs that Van wrote between 1959 and 1977. Paradoxically, our royalties have declined as our copyright ownership has increased. Much to our shock and dismay we have encountered well planned and implemented strategies to prevent our financial exploitation of copyrights we rightfully own.

A. Warner Chappell Music, Inc. refuses to release control over Van's works although their agreement with him ended on its face in 1981. By brute corporate force they have lauded over us and send reduced payments or no payments for money they collect in our behalf.

B. EMI Music Publishing purchased hundreds of Van's 1950's & 1960's songs from other publishers. The last of these U.S.A. copyrights reverted to us in 1996 but EMI continues to license and collect for our songs and pay us half or none of the money owed. They also continue to control foreign copyrights for the songs but have refused to give us proof of their ownership. Van's music continuously grows in International popularity and sales while our royalties are now reduced to a mere pittance.

C. Harry Fox Agency, the major mechanical licensing agent for the United States is the major offender. They use their licensing monopoly to control who gets the money for use of our music. With self designed policies and schemes they override our U.S Copyright Next of Kin Renewal rights and send our money to the big music moguls. When confronted with evidence of this from their own database they simply ignore us.

D. Universal Music/Mercury Records defrauds Van McCoy, the Recording Artist, more blatantly than the publishers. In 1982 a U.S. Bankruptcy Court gave them control of certain master recordings in several foreign territories. They have refused to pay royalties for Van McCoy (Artist for the *Hustle*) in all these years. This is an

Example of how Black Artist have been deprived of earnings throughout the history of the recording industry.

America's music is one of her most lucrative exports with low overhead and low capital expenses. There will be no control over where our music goes and no knowledge of how much it earns as worldwide digital distribution and future technology advances increase. There are dangers to leaving this industry unchecked, as it answers to no one. If the mergers are not stopped we will soon have only two companies controlling the music industry worldwide – EMI & Universal. They get bolder in aggressions as they get bigger in holdings and wealth.

Suing these giants in civil court can become a debacle even for such music personalities as YoKo Ono and the Beatles. Persons of limited resources, like us, are unable to take them on. Our only hope is for government to get involved and bring justice and balance to the table. We therefore appeal to you in our quest for redress and relief from this plight.

The large conglomerate music companies take in billions of dollars without reliable accounting or proper audit by anyone, including IRS. The loss in tax dollars to our country is immeasurable. By contrast, every dollar paid out to artists, songwriters, independent publishers or heirs thereto is accountable and taxable and makes a deposit to the national treasury. It appears to be in our national interest to require proper distribution of the music wealth to citizens entitled thereto. We believe you can accomplish this end.

Our country needs oversight, enforcement, sanctions and possibly stronger laws to insure fair payment for our music. Please consider appointing a Presidential Commission to report to you on ways this can be done, both within existing governmental structures and through additional legislation. We would very much like to be a part of such an effort as we have years of experience and knowledge to contribute.

Van McCoy Music, Inc is one of the nation's few remaining independent companies that owns a major catalog. We are registered in every major society in the world that collects royalties. On several occasions we have represented Van and America well in Cannes France at the MIDEM (international music market), and hope to do so again.

Our prayers and best wishes are with you and those you hold close as you lead our beloved country through these dangerous and difficult times. We trust that God's wisdom, guidance and protection will continue to be with you.

Respectfully submitted,

Mattie I. Taylor

cc: Mr. Lucas D. Boyce
Deputy Associate Dir.
Office of Public Liason

A Call to Liberate Black Music

Free up our Money and Clean up our Lyrics

Most of the Music geniuses of African decent have no concept of the multi-billion dollar industry they have spawned. However, they are painfully aware of their non-participation in the money their music makes for others. The financial loss inflicted on Black Music Makers and their heirs is sufficient to make a major impact on the economic status of Africans in the Americas.

Let me qualify the credibility of my knowledge and experience with this American malady. When I came to Washington, DC to work in 1954, my father introduced me to his good friends from the National Bapt. Convention, Lillian and Norman McCoy. They had two young sons, Norman, Jr. & Van. We all bonded quickly and the boys asked me to be their big sister. The joy and delight of seeing Van grow from Junior High School to world renowned composer, producer and performer was shattered in 1979 with his untimely death. In 1987 his father and sole heir, Norman, Sr. asked me to help straighten out his son's financially entangled estate.

In October 1989 he formed Van McCoy Music, Inc., where he placed the McCoy copyrights and assets and asked me to head the business. For the 20 years that have followed I have been at the helm of Van McCoy Music, Inc. It has thrust me into continuous on-the-job learning of the complex and entrenched systems and schemes that keep the earnings of Black American music out of the hands of those who create and perform the music.

Take a look at the list of 200 Black American Music Makers (Exhibit 1) who have composed, performed and recorded music for the past 100 years. The list is by no means complete, but is highly representative of the unmatched worldwide contribution by Black Americans to the music industry. Just the persons on this list produced music that has generated untold billions of dollars in which they have shared very little. Most of their music continues to generate money around the world to this day, with little if any being paid to them and/or their heirs.

One of the most prominent and legendary persons in the music industry was Ahmet Ertegun, producer and founder of Atlantic Records. He was on the Charlie Rose Show, February 21, 2005 and left a permanent testimony to the role of Black American Music. He said, "American black music is the fountainhead of all of the 20th century pop music. I begun to realize... black music became the music of the world. You know, every country has wonderful music.... But there's only one music that travels everywhere, and that's Black American music." Ahmet continued to confess: "That is something which I cannot explain, but it certainly is a fact, that you know, in the 1920s when records first became very popular..... the music that caught everybody's fancy was either Black American music or the white imitation thereof."¹

Further into the interview Ahmed explained that many independent record companies were formed by persons not interested in the music but who only cared about making a fast buck. They had no intention of paying anybody royalties. He explained that the Black American records were called “race records” and paid 1 or 2 percent of a record sale compared to 5 percent for big white artist.²

This interview with Ahmed explained the daily experiences in my work at Van McCoy Music, Inc. No matter what we do, how hard we work, how much we promote, how much of the music comes back to our ownership, our income does not significantly increase. Continuing schemes are developed to keep the revenues generated by Van’s music in the hands of the major industry moguls, Warner Music Group, EMI Music, Universal Music Group.

Some of the tactics used are as follows: Using old agreements signed by deceased Black musicians to continue receiving and controlling all the money. Older artists and heirs of deceased artist are locked out their music and accountability for the money it makes. With the 20 year extension granted in the Sonny Bono Congressional Act, all music copyrights now get 95 years to exploit or market the music. Even 1920 songs will be in copyright until 2015. That is a long time to make money on someone else’s creative works.

Van McCoy’s “Hustle,” written in 1975, now belongs to his next of kin heirs and will be in copyright until 2070. The song is very popular and makes millions of dollars worldwide. Van was never paid his share of the multi-million dollars in sales his song generated with its worldwide explosion. The non-payment of money owed continues to this very day. Warner Chappell Music Publishing usurps our half of the international publisher and performance money and refuses to release to us what belongs to us.

Universal’s Mercury Records in England has never paid a cent in artist royalties for the Master recording rights to the Hustle which they received from a U.S Bankruptcy Court in 1982. The order clearly preserves the rights of artist, composers, publishers and others with rights prior to the bankruptcy decree. However, they brazenly wrote to us that they took the “benefit” of the master recordings with out the “burden” of paying the artist.

EMI Music Publishers sent a recent statement showing Shinko Music Publishers in Japan reported 209,881 sales of Van’s “Baby I’m Yours”, for which we were paid \$1.70. In the same statement they listed over 50 songs for which they claim the US Copyright and for which they kept the money. This was a ridiculous invention since the last of Van’s songs they published, reverted to Norman McCoy before his death in 1997.

Harry Fox Agency refused for many years to recognize the valid Library of Congress Copyright Renewal Certificates belonging to Van's heirs. All of the renewals have been filed, money paid and certificates issued for Van's songs that reverted to his heirs after the first 28 years of copyright. They continued to license the music and send the money to the Publishers of record, EMI or Warner.

After many years of wearing them down with our irrefutable evidence, they changed the ownership to us but listed all of the reverted songs as "derivatives" and continued to send the money to EMI or Warner. With new leadership at Harry Fox and a personal visit to their office with our proof, most of the songs have now been credited to us as publisher. However, there has never been any accounting of the money we lost for the many years they paid the wrong publisher.

The only big company who treats us with an open and forthright business manner is BMI performance royalty society. Warner blocks them from collecting our half of the foreign royalties paid. Warner collects our part from the foreign societies and sends us only a portion of what is owed.

The remedy preferred by major companies is for Black folks to sell their copyrights, take a one time payment and go away. They know our music will make millions of dollars through the end of the copyright years. This secures present and future wealth for themselves and their future generations. It is this fact that motivated this call to liberate our music from economic bondage.

The other common remedy is to get an attorney and go to court. This is always in their favor since all of the major companies have a large staff of company attorneys while the Black artist or heirs have to retain and pay an attorney to go after their money. The court usually urges the parties to settle and looks unkindly at the party who forced the court to hear the music case. Here again, one gets a one time shot at ones money as you can not go to court every time the music moguls takes your money in your face.

Moreover, the attorney or Royalty hawk who goes after the money gets 35 to 50 percent of all future income. Over and over I have heard, "50% of something is better than 50% of nothing." I angrily reject this proposition as no one should have to give another person a continued part of their earnings. Our rights, our legacies and our dignity is in the half that is given away to others. It is a testimony of our reduced and disregarded status that we are required or expected to give up half of our earnings.

The theft of past, present and future money owed to Black Americans for music is a loss in generational wealth that we must no longer tolerate and accommodate. We must not continue to “go along to get along,” or settle for something for fear of having nothing. If we accept the present theft of our money and the denial of financial legacies to our future generations, we will dissipate our great musical gifts and abandon our revered place in the world of music. Over a hundred years of excellence in music and being at the “fountainhead” of the pop music culture is one of the greatest contributions Black Americans have given the world. Our music is a part of the core of our life and substance as “Africans in the Americas.” Its value is large and lasting and must be appreciated, preserved and defended against further theft and dissolution.

Not to be discounted is the great economic loss to our nation’s economy that takes place. Money loss to us is money loss to the federal and local tax base, to church and community group contributions, to educational opportunities for youth, to homes and health care for families. The large revenues our money generates outside the U.S. never returns to this country. The theft of Black Music is not usually addressed by the Justice Department in enforcing the International Intellectual Properties Act.

Alan Greenspan in his new book had to deal with the growing issue of intellectual property in the American economy. The emergence of large industries dependent on intellectual property such as information technology, software, pharmaceuticals and communications accounts for a fifth of U.S. economic activity in 2003. An estimated third of the market value of publicly traded U.S. corporations in September 2005 (15 trillion) was attributed to intellectual property.⁴ The American music moguls are sure to be in that mix. Greenspan predicts that dealing with intellectual property laws and protections is a legal issue that must be addressed. This makes it perfect timing for Black America to speak up and demand legal protections for it’s music.

To be sure the software and pharmaceutical companies will look out for their interests. It will be a travesty if we fail to do the same. A historic truth is that Black Folks in this country get nothing of major impact without a law, i.e. – Civil Rights, Voting Rights, Education, Employment and Housing. We must have laws with sanctions in and outside of the United States if we are to get into the flow of money owed for our music. We must overcome a hundred years of deliberate intent – “not to pay Black Artist for Race Records” and go after our money NOW. Music is changing to digital format, is being bought up by foreign conglomerates and will soon be lost to us forever.

A letter has been sent to President Bush asking for a Commission to study and recommend solutions (Exhibit #3). However, we can't wait on others, we must make this fight for ourselves. This call to liberate Black Music must go forward to become a "coalition" to liberate Black Music. This should be an issue on which all of our national Black organizations can agree, and all stand to benefit. I call on ASALH to consider being the "fountainhead" for the coalition.

Along with the money, we must also fight to take back the beauty and dignity of our music without sacrificing the creative genres launched by young Artists. In tribute to the valiant fight initiated by the late, great Honorable Dr. C. Delores Tucker, we must also demand the clean up of our lyrics.

Our company is in complete support of the Hip Hop genre as another contribution of Black American music. Like Blues, Jazz, R & B, BeBop, GoGo, Gospel and others it originates from our culture but this time predominately from our youth. We should embrace and treasure the art form and artistry of the performers. Only the content of the lyrics needs to change.

The greatness and lasting quality of Black American music is derived from the soul and spirit of the people who create it. We can not escape or deny the strong influence of our Spiritual heritage on all that we have accomplished of lasting value. Turning to our Biblical source we find:

1 Cor 15:33 Be not deceived: evil communications corrupt good manners.

and Gal 6:7 Be not deceived; God is not mocked: for whatsoever a man soweth, that shall he also reap. Gal 6:8 For he that soweth to his flesh shall of the flesh reap corruption; but he that soweth to the Spirit shall of the Spirit reap life everlasting.

Let's place these spiritual references in a real life reference interpretation. There is no where in American culture Black Americans are going to be encouraged, affirmed, inspired and dignified more than in our art forms and spiritual life. If we continue to use our music for negative, degrading and abusive communications that is what we will give to ourselves in return. Our young people of today are still "Young, Gifted and Black" (Weldon & Simone) and yes, they can still "Say it Loud, I'm Black and I'm Proud" (J. Brown).

The negative and objectionable language that corrupts a good art form will not have the lasting worldwide love and admiration that Black music has enjoyed throughout its existence. It will make quick money for the artists and music companies and will not be around 30 years from now. Only cream will rise to the top and we have been the cream of world music for a hundred years. This is not time to go sour and loose our place.

The recent hearing by Congressman Bobby Rush of IL, - Imus to Industry, brought forth much testimony on rap music lyrics. Far better information can be had from those reports than what we can give you here. Please explore them at you best opportunity.

We can show you better than we can tell you what our young, gifted and black citizens can do with their own creative art form. Ladies and Gentleman we are pleased to present to you and ASALH supported group from the Powell Project of Washington, DC, "Critical Impact."

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This invited paper was delivered at the annual conference of the Association for the Study of African American Life and History (ASALH) at Charlotte, NC on Oct. 5, 2007. A bibliography, list of Black American's in music, and contact for Powell House is available on request.

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President George W. Bush
Office of the White House
1700 Pennsylvania Ave. NW
Washington, DC

RE: Honoring Black Music, June 2006

Dear President Bush;

It is a great honor and special blessing to live in a country that allows me to write the Nation's highest leader with a concern and a request. By way of introduction, I am a retired 73 year old Georgia born Black American transplanted to the Metropolitan Washington area over 50 years ago. I am the foster sister of a great Black American music icon, Van McCoy (1940-1979). In 1989 I was thrust into the music business at the helm of a family corporation to preserve, promote and publish his music.

Mr. President, this position has given me direct experience of the ingrained abuse and economic deprivation of Black American music this country has tolerated for over a century. Music is one of America's most lucrative exports, makes Billions of Dollars for an unregulated industry, and Black Americans and their heirs are often left out of the money loop. Musical talent is so basic to our people that we have taken it for granted while others understood its high dollar value. We ask your attention and action to end this shameful condition and begin the return of these resources to Black Americans.

We request that you sponsor an amendment to the U.S. Copyright Act to permit Artists to take ownership of their master recordings and Composers to reclaim their works after 30 years. This will give us a chance to make favorable deals for the exploitation of the music. We submit this request to you as a very tangible way to honor Black Music in June 2006. Thank you for considering this appeal for economic justice.

Secondly, we ask that **Music, Art, Performance and Athletics** are funded and made available to every child P-K through 12. These things are the first to be dropped from the curriculum but are critical to youth learning to express themselves, develop character and discipline. They give the schools some "carrots and rewards" to offer to help insure that "No Child Is Left Behind." This **MAPA** group will pay benefits in the growth and enrichment of students that our nation can not afford to lose.

Thirdly, please consider establishing a Presidential recognition award for a person or group whose works have endured for 50 years or more to be given annually during Black Music Month. A financial award, scholarship or grant for young Black Americans in the final year of music education as a career, be it teaching or performing. This will be a fitting tribute to the honoree and will inspire many youths to take seriously their gift of music.

Thanks for a chance to be heard. We hope you will make 2006 a turning point for Black Music and its Music Makers.

Respectfully Submitted,

Mattie I. Taylor
President & CEO, Van McCoy Music, Inc.