



## Day 4 Photo Recap: Mondo.NYC Conference & Music Festival, Oct 10-13 in New York City

October 16, 2022 (Brooklyn, NY) - The 8th annual [Mondo.NYC Music & Tech Business Conference & Showcase Festival](#) wrapped its fourth and final day last Friday (October 13) with its 7th annual **CLE Music & Tech Law Symposium**, which included panels on generative AI; piracy and streaming fraud; the Metaverse; recent litigations involving artists such as Ed Sheeran, Post Malone, Dua Lipa, Childish Gambino, and Eminem; the challenges around fractional rights; touring; and ethical issues. In addition, Mondo's live artist showcases were brought to a close by none other than **Joe Sumner**, son of legendary musician Sting, who headlined a stacked bill at Pianos. More details and images from the last day can be found below with full size images available for [download here](#).

The full Mondo.NYC 2023 agenda included over 60 panels taking place from October 10-13 and focused on topics including the state of the industry, music supervision, management, music tech, finance, gaming, policy, touring, music creation and production, and more. Other Mondo.NYC 2023 tracks included the first-ever **SingularityNET AI Hub**, SoundExchange **The Music Tech Generation** series, 8th annual **RIAA Presents...** music policy series, 6th annual **Guild of Music Supervisors NYC Education Event**, 5th annual **Covington Presents Getting Physical with Music Tech** series, 4th annual **Future of Music Creation & Production** series curated by Daniel Rowland of LANDR, and tracks covering AI, finance and investment, data, live entertainment, management, and much more. For photo recaps of Days 1-3, [click here](#).

Stay tuned to [mondo.nyc](#) for announcements about next year's event, which will be held from October 15-18, 2024!

### **Friday, October 13 Recap**



From left: Rebecca Sergay, Ciara Reed, Veli, and Janine Small. Photo by Mike Shaw.

### **CLE 2023: Breaking Down the Tour: An Examination of the Artist's Legal and Business Issues**

Moderator **Rebecca Sergay** (Vice President, Commercial Counsel and Business Affairs, TIDAL) kicked off the first panel of the 8th annual CLE Music & Tech Law Symposium by taking a broad look at the legal side of touring before diving into specifics with each panelist. **Veli** (Founder, Veli Brand) began by revealing the four essential team members for any DJ's first tour: a content person, DJ, MC, and manager, with one of them doubling as a merch person. **Ciara Reed** (Entertainment Attorney, Simpson & Reed PLLC) then ran through all the different buckets of agreements artists should have in place before starting a tour, including NDAs, booking agreements with venues and sponsors, touring personnel agreements so everyone in your production and backstage team knows what is expected and what they are entitled to, production agreements such as bus and equipment rentals, and merch agreements between the artist and those who created the merch IP. **Janine Small** (Principal, Janine Small, PLLC) and Reed then dove into the details of each kind of deal, emphasizing the importance of insurance and the need for each team member to have their own, which artists should check by requiring a certificate of insurance. Small also recommended that artists negotiate contracts using a corporate entity like an LLC to protect their assets from capture, and that it should not be the same entity that they use for other activities. Veli recommended that up-and-coming artists pick a hotel brand like Hilton or Marriott and book there exclusively so they can build up reward points to make future stays less expensive, and Reed discussed the need to budget for an artist's mental wellness, from negotiating with venues for a green room or privacy space to budgeting for amenities like massage therapists in each city to avoid burnout.



From left: Hector Baldonado, Kevin Bodenheimer, and Morgan Hayduk. Photo by Mike Shaw.

### **CLE 2023: Piracy & Streaming Fraud in the Digital Music Era**

As attorney **Hector Baldonado** (The Baldonado Group, P.C.) pointed out at the start of this panel, which he moderated, the music business has evolved immensely in the past 20 years, and so has the criminal behavior associated with it. Piracy — the industry’s prime concern in Napster and BitTorrent’s heyday — is still an issue in the age of streaming; companies like YouTube that allegedly enable such piracy have even made the argument that stream-ripping is fair use, on par with recording a TV show on blank VHS tape. But the overwhelming problem for creators, publishers, labels, and DSPs today is streaming fraud, which reportedly costs the industry up to \$1B annually, as uploaded deepfakes evade services’ content IDs and bots target random tracks en masse for big paydays. Baldonado and panelists **Kevin Bodenheimer** (Vice President, Business & Legal Affairs, TuneCore) and **Morgan Hayduk** (Co-CEO & Co-Founder, Beatdapp) discussed the breadth and depth of these schemes, along with the actions taken by various stakeholders to disrupt them. Bodenheimer described the types of copyright infringement self-policing that TuneCore conducts, as well as the formation of a new industry coalition, the Music Fights Fraud Alliance. Hayduk detailed how Beatdapp’s analysts detect infringement by observing unusual streaming patterns, and offered this advice to up-and-coming artists: “If a marketer is guaranteeing you a specific number of streams for a fee, look elsewhere. That’s not how marketing works.”



From left: Gregg Wildstein, Adrian Perry, Michael P. Reed, and Steve Masur. Photo by Mike Shaw.

### **CLE 2023: The Metaverse, NFTs, Web3 and the Music Industry: Where Are We Now?**

The third iteration of the web is taking shape, and its focus seems to be less on content generation or commerce and more on the definition of ownership. Led by moderator **Adrian Perry** (Partner, Co-Chair of Music Industry Practice, Covington & Burling LLP), this panel delved into the legal ramifications of Web3 and other recent developments in the worlds of business and tech. **Steve Masur** (Partner, Venture Law Group, Gotham Advisors, PLLC) declared that decentralized autonomous organizations (DAOs) are “blowing the top off corporate law” and that, contrary to news reports, “NFTs are not dead. Selling generative art with NFTs is dead, but NFTs can be applied to anything.” **Gregg Wildstein** (Forensic Accountant, Citrin Cooperman LLP) noted that, even as many still scoff at the concept of the metaverse, a significant number of companies are buying offices within it right now — some at outlandish prices. And **Michael P. Reed** (Partner, Covington & Burling LLP) predicted that the United States could very well be a follower rather than a leader in Web3 law due to pioneering legal work in Asia and Europe, the domestic lack (so far) of an economic model that ensures interoperability across platforms, and continuing Congressional inaction.



From left: Brian Maida, Andrew Goldsmith, Nicole Haff, and Scott Sholder. Photo by Mike Shaw.

### **CLE 2023: Thinking Out Loud: A Panel Discussion of Recent Music Litigations**

**Scott Sholder** (Partner, Cowan, DeBaets, Abrahams & Sheppard LLP) led this panel that also included legal expert **Nicole Haff** (Counsel, Michelman & Robinson, LLP) and two attorneys who worked on the *Griffin v. Sheeran* copyright infringement on behalf of Ed Sheeran: **Andrew Goldsmith** (Counsel, Pryor Cashman LLP) and **Brian Maida** (Associate, Pryor Cashman LLP). Haff began with a crash course on copyright law in the U.S., from the two types of copyrights for composition and sound recording, to the elements of a song that are (rhythm, harmony, melody, and lyrics) and are not (key, meter, common chord progressions, and common rhythms) copyrightable. Sholder then walked attendees through several recent litigations, including the *Williams v. Gaye* case regarding Robin Thicke’s “Blurred Lines” and Marvin Gaye’s “Got to Give It Up” and the *Skidmore v. Led Zeppelin* case regarding Spirit’s “Taurus” and Led Zeppelin’s “Stairway to Heaven.” Finally, Goldsmith and Maida laid out their arguments in defense of Sheeran’s “Thinking Out Loud,” which was accused of infringing Gaye’s “Let’s Get It On.” They were able to admit a list of 101 songs that predated “Thinking Out Loud” that used the chord progression at issue, including 37 songs that also predated “Let’s Get It On,” and drove the point home with an acoustic performance from Sheeran cycling through these tracks. They also admitted excerpts of guitar and piano method books that taught the chord progression at issue, including the 1967 book *How to Play Rock and Roll Piano* that listed it as one of the 10 most popular rock and roll chord progressions. In addition, they pointed out that the second chord in Sheeran’s song is major while the same chord in Gaye’s song is minor. In the end, the jury ruled that Sheeran did not copy the song.





From left: Michael Poster, Lisa Weiss, Matthew Tilley, Scott Shipman, and Sam Hendel. Photo by Mike Shaw.

### **CLE 2023: Fractional Music Interests: Opportunities & Challenges**

The CLE Music & Tech Law Symposium's penultimate panel was led by **Michael Poster** (Chair of Music Acquisitions & Financing and Partner, Michelman & Robinson LLP) and featured a discussion of fractional music interests between **Sam Hendel** (Chairman, JKBX), **Scott Shipman** (Chief Legal Officer, JKBX), **Matthew Tilley** (Head of Artist & Industry Development, beatBread), and **Lisa Weiss** (Partner, Chatillon Weiss PLLC). The panelists discussed the differing approaches of beatBread's SliceNote platform (represented by Tilley and Weiss), which aims to help indie artists get funding by selling portions of their royalties to accredited investors, and JKBX (represented by Hendel and Shipman), which features premium, high-quality catalog tracks that most people would be familiar with. Both platforms do not sell copyrights themselves but rather the rights to a portion of a track's royalties, with JKBX selling slices of royalties for life of copyright. SliceNote, meanwhile, purchases a percentage of a song's royalties for a specific period of time and then sells slices of that royalty pie to investors. In regards to valuation, Tilley explained how beatBread relies on data science to predict the future value of a stream, stating that they have so far been within 3% in aggregate for their predictions vs. reality. On the JKBX side, Hendel stated that the seasoned nature of their catalog makes each track easier to value, and they partner with catalog owners or the artists themselves to look at past income. Finally, each service discussed their approaches to a variety of common risks associated with investing and others more specific to music, from dilution of shares, to litigation or infringement risk, to termination rights.



From left: Lynn Gonzalez, Leron Rogers, Sharon Tapper, and Bob Celestin. Photo by Mike Shaw.

### **CLE 2023: Ethical Considerations for Lawyers Navigating Sticky Situations**

The CLE Music & Tech Law Symposium, and Mondo.NYC 2023, came to a close with this panel about how to deal with tricky personal situations involving artist clients, moderated by **Lynn Gonzalez** (Partner, Granderson Des Rochers) and featuring panelists **Bob Celestin** (The Law Offices of Robert A. Celestin) and **Leron Rogers** (Partner, Fox Rothschild LLP), who represented the attorney's side, and **Sharon Tapper** (Executive Director, Music Managers Forum-US), who represented the manager's side. Celestin kicked things off by walking attendees through a scenario he recently dealt with in which a client began jumping from point to point and making little sense during conversations. First, he brought it up to the artist's manager to see if they were also seeing the same thing, and after confirming that they were, he spoke to the client's parents who confirmed the artist was going through something. After gathering information from MusiCares and providing resources to the artist's family to help, the full team and family needed to have a conversation with the client. Tapper agreed that sometimes a full-team intervention is necessary but stressed that it is important to start by attempting to resolve the issue at a basic level before escalating. She also pointed out the importance of education in these matters for artist managers, many of whom are "friendagers" who are learning as they go, and the need to focus on an artist's long-term career at all times. Rogers then discussed what to do when a young artist decides they want to sell their catalog. While it can be hard to fight back against their logic that they will just make more songs, he said that a helpful suggestion is to ask them to put a certain amount of their revenue from the deal into a trust. That way, it will continue to earn interest for them should they have difficulty establishing a new stream of residuals. Rogers also stressed the importance of email for

attorneys dealing with artist clients, as a paper trail is often required to show that they advised artists against signing certain unfavorable contracts. “You have to be careful because all you have is reputation,” added Celestin.

**About Mondo.NYC:**

Mondo.NYC is an international festival and global business summit of and for music and tech industry insiders and innovators, emerging artists, and their fans. Mondo connects fans and creators in a shared mission of empowering artists and advancing ideas in an ever-changing music business and technology landscape. Founded in 2016 by Joanne Abbot Green and Bobby Haber, the event and its year-round content programming have brought together thousands of industry professionals, artists, and fans both in-person and online.

Please note all Mondo.NYC 2023 events are subject to change without notice.

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