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Settlement Agreement May Provide Funds to Bluegrass Artists whose Music Was Played on Satellite Radio (2011)

IBMA's Legislative Information and Awareness Committee endeavors to report to the IBMA membership on selected legislation and court cases of interest to IBMA members and the bluegrass community. In this article we report briefly on a recent class action settlement.

In June of 2007 a class action suit was filed against XM Satellite Radio alleging that XM had infringed on the rights of class members under Federal and New York law. Through 2008 the parties engaged in extensive fact discovery, and then jointly asked the court to put a hold on the case so that settlement discussions could take place. By October 15, 2010 the parties had reached a settlement.

There are two groups benefited by the settlement if it is approved by the court:

(1) The Sound Recording settlement group for which a total of $3,650,000 is available. This group is defined as: All persons or entities who own or control (in whole or in part) exclusive rights in at least one sound recording protected under federal copyright law and/or state common law and/or unfair competition law that was transmitted by the XM Service at least once during the time period from March 30, 2006 through December 6, 2010.

(2) The Musical Composition settlement group for which a minimum of $1,252,177 is available, with this group defined as: All persons or entities who own or control (in whole or in part) exclusive rights in at least one musical composition protected under federal copyright law of which a sound recording embodying such musical composition was transmitted by the XM Service at least once during the time period from March 30, 2006 through December 6, 2010.

If you are a member of either group you either already have received or will receive a notice that you are a member of the group. You then have the right to either stay in the group and receive whatever portion of the settlement monies the group representatives and their attorneys negotiate on your behalf, or you can opt out of the group and proceed with your own lawyer. If you think you may be in one of these groups but did not get a notice, you can check and register at the following website: http://www.notavxm.com/faq#Q1. [1]

There are also certain benefits for participants in MERLIN and publisher - principals of the Harry Fox Agency. If these provisions might apply to you, visit the above website for more information. A court hearing is set for March 22, 2011 for the judge to consider the proposed settlement and its fairness. This hearing may be continued from time to time so we cannot say for certain if and when the settlement will be finally approved by the court.

If you think the settlement might apply to you, check the above referenced web site for more information, or call the settlement administrator, toll free, at: 877-398-1139

Tags:

XM Satellite Radio [2]
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Links:
[1] http://www.notavxm.com/faq#Q1.There
[2] http://ibma.org/taxonomy/term/65
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