

October 9, 2007

Mitch Bainwol  
Chairman and CEO  
Recording Industry Association of America  
1025 F Street, N.W., 10<sup>th</sup> Floor  
Washington, DC 20004

Dear Mr. Bainwol:

In 2005, the Center for Democracy & Technology (CDT) filed a complaint with the Federal Trade Commission against two Web sites that were deceptively claiming to offer “100% legal” music downloads to customers who paid a subscription fee (the complaint can be found at <http://cdt.org/headlines/754>). CDT outlined how these sites – which in fact were simply selling tutorials about how to use file-sharing networks like Kazaa – gave the false impression that customers were paying for the legal right to download copyrighted music. The FTC ultimately sued and settled with one of the sites, MP3DownloadCity.com (see <http://cdt.org/headlines/894>).

In recent weeks, CDT has taken a fresh look at Web sites that, despite charging substantial subscription or membership fees, may not be legal sources of much of the music they purport to offer. Although many of the sites about which CDT is suspicious now avoid making the specific claim that the services they offer are “100% legal” (perhaps in response to the FTC action), they still appear to advertise the availability of music to which they may not have secured the rights. Such sites have the potential to confuse consumers, who may think they are paying for lawful downloads.

CDT plans to create a Web site to warn consumers about these types of music sites. Our hope is that consumers searching for lawful music downloading services may come across our site, which can help educate them about unauthorized services that they may want to avoid. We believe that the continued success of the lawful marketplace for online content depends in part on helping consumers distinguish services that have licensed the rights to distribute content from those that have not.

CDT has compiled a list of 34 Web sites that appear to charge subscription or membership fees in exchange for access to a broad catalog of music downloads. We are now asking for your help in determining whether any of these sites have in fact obtained licenses from any of the major record labels to distribute their music. The list of sites is set forth below. We would very much appreciate it if you could inform us in writing whether any of these Web sites have entered into licensing arrangements with any of RIAA’s members.

Thank you in advance for your help in this endeavor. We are hopeful that this project will further our shared goal of promoting the growing market for lawful online music distribution.

Sincerely,



David Sohn  
Director, CDT Project on Intellectual Property and Technology

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List of music download sites that charge subscription fees and appear to offer access to a full catalog of available music:

<http://allcoolmusic.com/>  
<http://allmusicdownloads.com/>  
<http://e-mp3now.com/>  
<http://ezmp3s.com/>  
<http://freeaccessmp3.com/>  
<http://www.freemusicnow.cc>  
<http://www.my-free-songs.com>  
<http://free-music-downloads.cc>  
<http://imp3download.com/>  
<http://imp3download.com/www3/index.asp?revid=rapidburn&gclid=CPDR8Pi7344CFQ0ggAodx3nZNg>  
<http://imusicaccess.com/index.asp>  
<http://imusicsearch.com/>  
<http://mp3downloadhq.com/me/index.asp?source=&kw=>  
<http://mp3-download-lyrics.com>  
<http://mp3downloadnet.com/>  
<http://mp3downloadsnow.com/>  
<http://mp3-freebie.com/>  
<http://mp3musichq.com/>  
<http://musicjustfree.com/>  
<http://myipodaccess.com/>  
<http://mp3-freedom.com/>  
<http://my-music-now.com/>  
<http://mimusicamp3.com/>  
<http://mymusicinc.com/>  
<http://netmusicaccess.com/>

<http://netmusic.com/>  
<http://realmusicnow.com/>  
<http://unlimiteddownloadcenter.com/>  
<http://www.easymusicdownload.com>  
<http://www.howdoiwin.com/recommends/Movies/>  
<http://www.klitetk.com/>  
<http://www.mp3-all-free.com/>  
<http://www.mp3favorites.com/>  
<http://www.mp3rocket.com>