

November 16th, 2007

Operator of <http://e-mp3now.com/>
DomainsByProxy.com
15111 N. Hayden Rd., Ste 160, PMB 353
Scottsdale, Arizona 85260
E-MP3NOW.COM@domainsbyproxy.com
BY POSTAL DELIVERY AND EMAIL

Dear Sir or Madam:

I am writing in connection with the Web site <http://e-mp3now.com/>. Either the “Whois” database or information on the Web site itself suggests that you are an appropriate contact person for matters relating to this site.

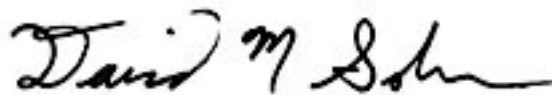
The Center for Democracy & Technology (CDT) is planning to create and post on the Internet a list of Web sites that consumers could easily mistake for licensed sources of a full range of music, when in fact the sites have not licensed much of the music they appear to offer. In particular, the sites in question appear to charge fees to users; promote or describe themselves in ways that could leave consumers with the impression or expectation that the site’s offerings include major label music; and have not actually licensed music from any of the major labels. Although some of the sites have fine print legal disclaimers at the bottom of the home page or on a linked page, we are concerned that the disclaimers may not provide consumers with adequate information about the legality of some or most of the touted downloads.

CDT’s goal is to alert potential users that the fees for these sites do not necessarily ensure that subsequent downloads are legal. At this time, we do not intend to make any representations or allegations concerning the legality of the operation of the sites themselves or their associated services. As a U.S.-based organization, our focus will be on users who intend to download music from these sites to computers in the United States.

CDT has identified the Web site <http://e-mp3now.com/> for likely inclusion on the list. If you believe the inclusion of this Web site would be inaccurate or unfair – for example, because the site has in fact entered into licensing agreements for the music it makes available, or for any other reason – please contact us before December 7, 2007 to explain why, either by letter or email to music-sites-response@cdt.org.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "David M. Sohn". The signature is written in a cursive, flowing style.

David M. Sohn
Director, CDT Project on I.P. & Technology