

ORIGINAL

soundexchange

1330 CONNECTICUT AVE, NW, SUITE 330, WASHINGTON, DC 20036
P: 202.828.0120 F: 202.833.2141
WWW.SOUNDEXCHANGE.COM



February 16, 2005

BY HAND

United States Copyright Office
Library of Congress
Office of the General Counsel
James Madison Building, Room 407
First and Independence Avenue, SE,
Washington, D.C. 20559-6000

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FEB 16 2005

**GENERAL COUNSEL
OF COPYRIGHT**

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**COPYRIGHT OFFICE
PUBLIC OFFICE**

Re: Notice of Intent to Audit DMX Music, Inc. for
Transmissions Under Exemption Set Forth in 17 U.S.C. § 114(d)(1)(C)(iv)

To Whom It May Concern:

Pursuant to Subsection 262.6(b) of the Copyright Office's regulations, 37 C.F.R. § 262.6(b), SoundExchange hereby notifies the Copyright Office of its intent to audit DMX Music, Inc ("DMX") for transmissions made by DMX pursuant to the exemption set forth in 17 U.S.C. § 114(d)(1)(C)(iv) for "Business Establishment Service" transmissions.

SoundExchange, the sole collective designated by the Copyright Office to collect and distribute the statutory royalties paid by Business Establishment Services under 37 C.F.R. § 262.4(b), is specifically authorized to audit DMX as the Designated Agent of copyright owners and performers.

SoundExchange intends to audit DMX's Business Establishment Service transmissions for the years 2002, 2003 and 2004. SoundExchange shall commence its audit of DMX following the Copyright Office's publication of this Notice of Intent to Audit in the Federal Register. The audit will be conducted by the firm of Gelfand, Rennert & Feldman, LLP.

Pursuant to 37 C.F.R. § 262.6(c), a copy of this Notice of Intent to Audit is being served contemporaneously upon DMX.

COPY

Sincerely,

Barrie Kessler
Chief Operating Officer

cc: Mark D. Rozells, President and Chief Executive Officer, DMX Music, Inc.
Barry Knittel, DMX Music, Inc.
(Via Facsimile and Federal Express)