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31 July 2008

To: Office Of The General Counsel, U.S. Copyright Office, Library of Congress, U.S. Copyright Office, Room 402 101 Independence Avenue, SE, Washington, DC 20559

From: Dr. Edison M. Amos, President, Sword And Stone Publishing, Inc., PO BOX 59013, Potomac, MD 20859-9013

Reference: Compulsory License for Making and Distributing Phonorecords, Including Digital Phonorecord Deliveries

Action: Notice of Proposed Rulemaking.

Dear General Counsel and Staff,

These are the following concerns I suggest you would consider.

1. Page 11 line three from the top. Royalty fee for certain reproductions included within the license would be a rate of (zero).

How can one have a rate of zero? Could it be stated in a positive manner? Suggestion : the license would be (a specific rate.)

2. Page 19 b. second line up from this paragraph. The Copyright Royalty Judges from valuing it differently and setting a lower rate. Could the phrase be changed to another rate or a different rate? This seems to suggest to the Copyright Royalty Judges that they should or shall set a lower rate.

3. Page 22; 23; 34. The reference is to the phrase "specifically identifiable reproduction"

Reference: Page 34 line two from the top. Could there be some way to focus in to clarify this more specifically how one describes this phrase? I am not a lawyer but it seems this phrase without further clarification will still leave us confused as writers and publishers.

Hence, I suggest after transmission of a sound recording which results in (add any part of) a specifically identifiable etc. How can you help remove any misunderstanding of further interpretation of this phrase? I believe unless there is something definite here, the phono people will try to circumvent this and give it their own interpretation to keep from paying the writer or publisher.

4. Page 32 section (3) the last line of this paragraph. To permit the recipient to render (add any part of) the sound recording which embodies the musical work. Here again by adding any part of, it seems to make it more specific. Maybe you can think of something better.

5. Page 33 (3) is a copy of page 32 section 3.

Last paragraph line two up from bottom of paragraph. Change the recipient to render (any part of) the sound recording etc.

Some parts of the Notice of Proposed Rulemaking are a bit technical for me being a nonlawyer.

Thanks for receiving these comments and considerations, I am

Dr. Edison M. Amos, President, Sword And Stone Publishing, Inc And For The Writer/Composer, Tori Amos, AKA M. Ellen Amos