

May 14, 2010

Marybeth Peters  
Register of Copyrights  
U.S. Copyright Office  
101 Independence Ave. S.E.  
Washington, D.C. 20559-6000

Dear Ms. Peters,

I am an established songwriter and have been writing songs, making records and touring since 1972. I have written approximately 400 compositions including, "Ol' 55" (covered by the Eagles), "Down In The Hole" (theme song for the HBO show, The Wire), "Downtown Train" (covered by Rod Stewart), "Jersey Girl" (covered by Bruce Springsteen), "I Don't Wanna Grow Up" (covered by the Ramones), "Temptation" (covered by Dianna Krall) and many, many more.

The United State copyright law provides important safeguards for the rights of composers, lyricists and other authors. Not the least of these safeguards is the opportunity afforded the author to terminate grants of copyright during one of the termination windows established by law. The termination provisions allow the author to obtain relief from inequitable contracts, and the chance to benefit from the success of his or her creations. Unfortunately, the law as drafted appears to have an unintended loophole that has resulted in some transfers of copyright falling into a "gap" between the termination provisions. Songwriters such as me who began their career prior to January 1, 1978 and continued writing after that date are particularly at risk of falling into the termination gap.

I am very grateful that the Copyright Office is addressing the problems that are arising as a result of the termination gap. I respectfully urge the Copyright Office to issue an Advisory Opinion that will address these problems and ensure that no songwriter will be denied the opportunity to terminate grants of rights in his or her songs due to an unintended loophole in the law.

Very truly yours,

Tom Waits