



DIRECTV

Letter to Commercial Customer Accounts

Subject: Performance rights (ASCAP and BMI)

Dear DIRECTV Subscriber:

Thank you for your business with DIRECTV.

The purpose of this letter is to provide you with guidelines regarding performance rights related to the DIRECTV service. The following, we hope, will answer many of your questions.

1. If you are subscribing to SonicTap Music Service, SonicTap Music Service pays the performing rights for SonicTap Music Service only. Keeping in mind the limitations set forth below, this means if you are currently paying performing rights to ASCAP and BMI for music use and your sole music service is SonicTap Music Service, you can notify ASCAP and BMI that you are subscribing to SonicTap Music Service and SonicTap Music Service will be paying the performing rights.

2. Your SonicTap Music Service, however, does not eliminate other obligations for performing rights. The payment of performing rights for all other music sources that you use in your place of business, such as jukeboxes, music through your TV, music delivered from DIRECTV programming services other than SonicTap Music Service and all others, is still your responsibility. Please refer to your Commercial Viewing Agreement which provides:

[DIRECTV] SHALL HAVE NO LIABILITY TO ANY PERSON OR ENTITY DUE TO OR BASED ON THE CONTENT OR YOUR EXHIBITION OF ANY OF THE PROGRAMMING OR OTHER SERVICES PROVIDED BY US INCLUDING, BUT NOT LIMITED TO, LIABILITY FOR THE PAYMENT OF ANY REQUIRED MUSIC LICENSE FEES.

3. SonicTap's agreement with ASCAP and BMI covers the use of SonicTap Music Service within your premise as "background/mood" music only. If SonicTap Music Service is to complete a service offering, under its agreement with ASCAP and BMI, you will have to pay ASCAP and BMI for that usage. Music that is used to complete a service offering is described as music that is used as the primary source of entertainment, such as for dancing.

4. SonicTap's agreement with ASCAP and BMI does not cover music licensing fees for any premise to which admission is charged or any ballroom, discotheque, dance studio, skating rink or other premise where dancing occurs even if admission is not charged.

5. Use of SonicTap Music Service for music "on hold" is covered under SonicTap's agreement with ASCAP and BMI.

We hope this clarifies what is and is not covered in connection with DIRECTV service with regards to ASCAP and BMI.

Sincerely,

DIRECTV