

EMMS MUSIC SUBMISSION PACKAGE

Thank you for considering submission of your music to IBM. Here are the steps you need to follow:

1. Complete and sign the "RIGHT TO USE MUSIC" agreement on pages 2-5.
2. Burn the song or songs you would like to submit to IBM for consideration on a CD in audio CD or .WAV file format.
3. Mail the completed and signed agreement and CD to:

IBM Corporation
6301 N.W. Fifth Way
Suite 1700
FT. Lauderdale, FL. 33309
ATTN: Mr. Bruce Tantlinger

4. After we receive the completed and signed agreement and your CD, we will contact you to let you know if your music will be used by IBM.

Thanks again for considering this promotional opportunity!

RIGHT TO USE MUSIC

I understand that IBM is making MUSIC* available (for example, in connection with its EMMS system) and I wish to have IBM consider making the LISTED MUSIC** listed below available.

In return for any publicity which IBM may provide me or the LISTED MUSIC (the amount, duration and type of which publicity is in IBM's sole discretion), I hereby grant IBM a paid-up, worldwide, non-exclusive, irrevocable license, for the full term of the copyright and for any extensions or renewals thereof, to display, perform publicly, reproduce, fix and/or record in any manner, medium or language and to reproduce mechanically, distribute copies of and/or prepare derivative works of the LISTED MUSIC in any form now or hereafter known (including digital audio transmissions, digitizations, streaming audio, reformatted in any way and the preparation of CDs phonorecords or other format) in original or modified or edited form (including "sampling") and to allow others to do any of the foregoing. In addition, I hereby grant IBM the right to fix and record content or any portion thereof in synchronization or time-relation with any other content and to allow others to do so.

To induce IBM to consider distributing the LISTED MUSIC, alone or in combination with other material, I represent and warrant that: the information in the Originality Questionnaire is complete and accurate; all LISTED MUSIC is original and neither owned nor copyrighted by others and I have all necessary rights to grant IBM the rights listed above; none of the LISTED MUSIC is obscene, vulgar or contrary to any moral standards; neither reproduction, distribution or performance of LISTED MUSIC is contrary to any laws; no fees or royalties are due to any third party (including any union, guild, collecting society (e.g., Harry Fox, ASCAP) or record company) for the exercise of any right granted to IBM hereunder; no claim has been made or threatened (and I know of no basis for a claim) that the LISTED MUSIC is unlawful or violates the rights of others. I hereby waive all moral or similar rights and all rights of publicity in and to the LISTED MUSIC and represent and warrant that each performer has also waived such rights.

dated _____

signed _____

printed _____

mailing address _____

phone number _____

e-mail address _____

LISTED MUSIC List (Song Titles)

- | | |
|-----------|-----------|
| 1. _____ | 2. _____ |
| 3. _____ | 4. _____ |
| 5. _____ | 6. _____ |
| 7. _____ | 8. _____ |
| 9. _____ | 10. _____ |
| 11. _____ | 12. _____ |
| 13. _____ | 14. _____ |
| 15. _____ | 16. _____ |
| 17. _____ | 18. _____ |
| 19. _____ | 20. _____ |

* MUSIC, as used herein, includes musical works including lyrics and arrangements, sound recordings as well as related information including text, pictures and other illustrations of the authors, artists or performers

**LISTED MUSIC, as used herein, includes that MUSIC which is listed above

ORIGINALITY QUESTIONNAIRE

Name of LISTED MUSIC _____

1. List all the people*** who performed the LISTED MUSIC _____

2. Do any of the people listed in 1 above reside outside the United States? YES __ NO __

3. Who*** created the lyrics (the words) for the LISTED MUSIC? _____

4. Was any preexisting material used*** in creating the lyrics? YES _____ NO _____ (if YES, identify the preexisting material _____ and how rights have been obtained to use the material and to allow IBM to use it _____)

5. Who*** created the arrangement (the music)? _____

6. Was any preexisting material used*** in creating the arrangement? YES _____ NO _____ (if YES, identify the preexisting material _____ and how rights have been obtained to use it and to provide this to IBM _____)

7. Does the signer below have actual knowledge of the matters asked about in this document for each person listed above? YES __ NO __

8. Has the signer below been authorized to sign on behalf of each person listed above? YES __ NO __

9. Is any person listed above a member of a performing union, guild or collecting society? YES __ NO __

10. Does any person listed above have a recording contract? YES __ NO __

11. Does any person listed above have a performance contract? YES _____ NO _____

12. Is any of the LISTED MUSIC*** or copyrights therein owned by others (e.g., work for hire)?
YES ____ NO ____ (if YES, by whom? _____ and indicate the authority to grant rights
_____)

NOTE (If more room is needed for any answers please attach separate sheet of paper.)

The foregoing information is accurate and complete and provided to induce IBM to use the LISTED MUSIC.

Signed _____

Printed _____

Date _____

*** Answers apply to each piece of LISTED MUSIC unless otherwise indicated in the answers supplied