

A motion by Oklahoma, Kentucky and Michigan to amend the Agreement by adding new definitions to Part II of the Library of Definitions relating to specified digital products:

PART II
Product Definitions

DIGITAL PRODUCTS DEFINITIONS

“Specified digital products” means:

1. **“Digital Audio-Visual Works”** which means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any, that are transferred electronically and sold to a purchaser who has the right of permanent use granted by the seller which is not conditioned upon continued payment from the purchaser, and is an “end user”; and
2. **“Digital Audio Works”** which means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones, that are transferred electronically and sold to a purchaser who has the right of permanent use granted by the seller which is not conditioned upon continued payment from the purchaser, and is an “end user”; and
3. **“Digital Books”** which means works that are generally recognized in the ordinary and usual sense as “books” that are transferred electronically and sold to a purchaser who has the right of permanent use granted by the seller which is not conditioned upon continued payment from the purchaser, and is an “end user.”

For purposes of the definition of “digital audio works”, “ringtones” means digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

For purposes of the definitions of specified digital products, “transferred electronically” means obtained by the purchaser by means other than tangible storage media.

For purposes of the definitions of specified digital products, “end user” includes any person other than a person who purchases a specified digital product for commercial purposes which involve the transmittal, retransmittal, licensing, relicensing, distribution, redistribution or exhibition of the specified digital product, in whole or in part, to another person and who receives by contract the explicit right to do so.

NOTE: This amendment would become effective January 1, 2009.