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COUNSELORS AT LAW

August 15, 2012

VIA E-MAIL AND U.S. MAIL

Romney for President, Inc.
585 Commercial St
Boston, MA 02109
Attn: Mitt Romney

Romney for President, Inc.
80 Hayden Lexington, MA 02421
Attn: Mitt Romney

Catherine Holtgrewe
Associate General Counsel and Deputy National EDO Director
choltgrewe@mittromney.com

Dear Mr. Romney:

We represent the recording and performing artist SILVERSUN PICKUPS. I'm sure you've heard of them because you're using their song called "Panic Switch" at your appearances. (<http://twitter.com/GarrettNBCNews/status/234645504024264704>).

As the former governor the state of Massachusetts, a graduate of Harvard Law School, and candidate for U.S. President, we're pretty sure you are familiar with the laws of this great country of ours. We're writing because, like you, we think these laws are important.

First, there's the United States Copyright Act. It says that you can't use someone else's song for your campaign promotions unless you get permission from the owner of the copyright in the song. SILVERSUN PICKUPS are the owner of the copyright to "Panic Switch" and we are writing to tell you on their behalf – you didn't do that. You probably got so busy with your campaign that you forgot.

Second, there are also trademark laws which protect folks' intellectual property. They're there to protect the public from being confused as to the source of goods or services or as to whether someone endorses particular goods or services. In this case, it would be harmful to SILVERSUN PICKUPS if their fans thought they were endorsing you or your campaign.

Third, while you are (probably) inadvertently playing a song that describes your whole campaign, we doubt that "Panic Switch" really sends the message that you intend.

We anticipate that you, or your general counsel, may respond to this letter with a letter of your own using all those neat lawyerly words like "First Amendment," "fair use" and "parody." Please know that none of those buzzwords (or the law they represent) works for you here.

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In fact, don't take it from us. Check with your own Republican National Committee. They can confirm this for you. During Senator John McCain's 2008 presidential campaign, Mr. McCain used Jackson Browne's song "Running On Empty" without permission. Jackson Browne sued Senator McCain. As a result, the Ohio Republican Party and the RNC apologized for misusing the song. They "pledge[d] in future election campaigns to respect and uphold the rights of artists and to obtain permissions and/or licenses for copyrighted works where appropriate." Mr. Romney, it's appropriate here, so we'd appreciate it if you'd get on board with your party.

All that said, obviously, we insist that you immediately discontinue using any material that infringes the copyright in "Panic Switch" (or any other SILVERSUN PICKUPS song) in your campaign. We trust that you will promptly comply with this request. Nothing contained in this letter should be construed as a waiver of any rights, remedies or claims that SILVERSUN PICKUPS or any of their members, affiliates or designees may have; all those rights, remedies and claims are expressly reserved.

Very truly yours,



Tamara Milagros-Butler, Esq.
for MYMAN GREENSPAN FINEMAN FOX ROSENBERG LIGHT LLP

cc: Silversun Pickups
Q-Prime
Ken Weinstein