

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE LITERARY WORKS IN ELECTRONIC
DATABASES COPYRIGHT LITIGATION

M.D.L. No. 1379

TO: AUTHORS AND OTHER PERSONS WHO OWN A COPYRIGHT IN AN ENGLISH LANGUAGE LITERARY WORK:

Your Rights May Be Affected By The Lawsuit And Proposed Settlement Described In This Notice. Please Read This Entire Notice Carefully Regarding Your Rights, Including Any Right You May Have To Share In This Settlement.

WHAT IS THIS NOTICE ABOUT?

A revised settlement of a copyright infringement lawsuit has been reached on behalf of the Class of persons defined below. A settlement was previously reached in 2005, and notice of the settlement was issued to the Class, including how to submit a claim or opt out of the settlement. Thousands of authors submitted claims for settlement compensation. The settlement was approved by the Court, but the approval decision was vacated on appeal in 2011. If you meet the Class definition and did not opt out at the time of the original settlement, your rights will be affected by the proposed settlement. The purpose of this mailed notice is to inform you of the settlement, your rights as a Class member, and the options available to you.

This Mailed Notice Is Only A Summary. You Are Advised To Read The Full *NOTICE OF REVISED CLASS ACTION SETTLEMENT* Posted At www.copyrightclassaction.com. If You Still Have Questions After Reading The Full Notice And Exploring The Website, You Can Get More Information By Submitting Questions Through The Website Or Calling (877) 900-4430.

WHY DID I RECEIVE THIS NOTICE?

You were sent this notice because you were identified as a Class member in the records of the Claims Administrator for this settlement. The Claims Administrator has your contact information for one or more of the following reasons: (1) The information was provided by a publisher to whom you sold a work, or by one of the authors' organizations serving as a plaintiff in this lawsuit; (2) you filed a claim for compensation from the original settlement in 2005; (3) you opted out of the original settlement; (4) you objected to the original settlement; or (5) you provided your contact information in connection with the lawsuit or settlement for some other reason.

WHAT IS THE LAWSUIT ABOUT?

The lawsuit, which was filed in the United States District Court for the Southern District of New York, alleges that commercial electronic databases, newspapers, and magazines have violated the copyrights of freelance authors. In particular, the lawsuit alleges that after the authors' works were published in newspapers, magazines, and other print publications with the authors' permission, those publications then licensed the works without the authors' permission to the commercial databases for electronic publication, in violation of the copyright laws. The lawsuit was brought by various authors and three writers' organizations -- The Authors Guild, Inc., the National Writers Union, and the American Society of Journalists and Authors. The lawsuit asserts legal claims under the federal copyright laws and seeks relief for all authors whose rights were violated in the manner alleged above.

WHO IS INCLUDED IN THE CLASS?

The definition of the Class for this revised settlement is the same as for the original settlement. The Class consists of all persons who own a copyright under the United States copyright laws in an English language literary work that, at any time after **August 14, 1997**, has been reproduced, displayed, sold and/or distributed in an electronic format (*i.e.*, online, on CD-ROM, or in any other electronic format) by at least one of the databases or publishers identified below under the heading "Who Is Being Sued," without the person's authorization. The works that are included in this definition will be referred to in this notice as "Subject Works."

For a more detailed description of the Class and factors that determine whether a work is a Subject Work and is included or excluded from the settlement, please refer to the full Notice Of Revised Class Action Settlement posted at www.copyrightclassaction.com.

WHO IS BEING SUED?

The lawsuit names a number of commercial electronic databases and two newspaper publishers as defendants. The Database Defendants are The Dialog Corporation, now known as Dialog, LLC, Dow Jones & Company, Inc., Dow Jones Reuters Business Interactive, LLC, now known as Factiva, LLC, a wholly owned subsidiary of Dow Jones & Company, Inc., EBSCO Industries, Inc., The Gale Group Inc., now known as Cengage Learning, Inc., Knight-Ridder, Inc., predecessor in interest to The McClatchy Company, Knight Ridder Digital, now known as McClatchy Interactive West, Mediastream, Inc., Newsbank, Inc., ProQuest Company, now known as Voyager Learning Company, ProQuest Information and Learning Company, now known as ProQuest Information and Learning, LLC, Reed Elsevier Inc., The Thomson Corporation, now known as The Thomson Reuters Corporation, and West Publishing Corporation d/b/a West Group. The newspaper publishers sued in the lawsuit are The New York Times Company, The Copley Press, Inc., and Dow Jones & Company, Inc.

There are also newspaper and magazine companies that were not sued in the lawsuit, but have signed the revised settlement and committed to participate in the settlement by contributing funding and information concerning their freelance authors' works. They are referred to as the "Participating Publishers." The Participating Publishers are:

1. Advance Publications, Inc.
2. ALM Media, L.L.C.
3. Bloomberg L.P.
4. Capital City Press, L.L.C.
5. Daily News, L.P.
6. Dow Jones & Company, Inc.
7. Forbes
8. Freedom Communications, Inc.
9. Gannett Co., Inc.
10. Gruner + Jahr USA Publishing/Gruner + Jahr USA Group, Inc.
11. Hearst Corporation
12. Herald Media Holdings, Inc.
13. Journal Sentinel, Inc.
14. Landmark Media Enterprises, L.L.C.
15. Madison Newspapers, Inc.
16. New Times Media, L.L.C.
17. North Jersey Media Group/Bergen Record Corp./The Record
18. NYP Holdings, Inc.
19. Press-Enterprise Company
20. TEG New Jersey, L.L.C. (f/k/a Journal of Commerce, Inc.)
21. The Atlantic Monthly Group, Inc.
22. The Copley Press, Inc.
23. The Dallas Morning News, Inc.
24. The Economist Intelligence Unit Limited
25. The Economist Newspaper Limited
26. The McClatchy Company
27. The National Journal Group, Inc.
28. The New York Times Company
29. The Providence Journal Company
30. The San Diego Union-Tribune, L.L.C.
31. Time Inc.
32. Tribune Publishing Company, L.L.C.
33. U.S. News & World Report, L.P.
34. WP Company L.L.C. d/b/a The Washington Post
35. Aberdeen News Company
36. Forum Communications Company, d/b/a Duluth News Tribune
37. Grand Forks Herald
38. MediaNews Group, Inc.

The above defendants and Participating Publishers are referred to as the "Defense Group."

There may also be other participating companies, referred to as “**Supplemental Participating Publishers.**” Some of the works for which Class members have filed claims were originally published (and later sold to an electronic database) by companies who are not members of the Defense Group. After Class members’ settlement claims are processed, the Database Defendants will ask those companies to pay their share of claim amounts corresponding to the works they published. The companies that do pay will be deemed Supplemental Participating Publishers, and the legal claims that Class members may have against them will be released by the settlement. If a company does not pay, the Database Defendants will pay the company’s share and be released, but the legal claims that Class members may have against that non-paying company will not be released by the settlement. A list of all potential Supplemental Participating Publishers is available online at www.copyrightclassaction.com. After it is determined which ones will not be paying their shares, a list of “de-listed” publishers (i.e., publishers who are deemed not to be Supplemental Participating Publishers) will be posted at www.copyrightclassaction.com.

WHAT CAN I RECEIVE FROM THE SETTLEMENT?

If you submitted a timely, valid Proof of Claim under the original settlement in 2005 (the claims deadline was September 30, 2005, although claims filed late because of Hurricane Katrina were deemed timely), you are eligible to receive a settlement payment if the revised settlement is approved and the approval becomes final. The payment amount for valid claims will be calculated according to the payment schedule for the original settlement, except that the compensation for unregistered works (Category C works) has been increased by at least 14%, and perhaps more (depending on the expenses of settlement). The amount payable per Category A work will be from \$875 to \$1,500; Category B, the greater of \$150 or 12.5% of the original sale price; and Category C, from \$5.70 to \$68.40.

The above amounts may be reduced under certain circumstances. For a description of these circumstances and the payment schedule, please refer to the full Notice Of Revised Class Action Settlement posted at www.copyrightclassaction.com. The full notice also explains the issues involving the removal or continued inclusion of your Subject Works in the electronic databases.

If you did not submit a claim under the original settlement in 2005, you will not be eligible for any payment under the revised settlement. No new claims will be accepted for the revised settlement, and no additional works can be added to previously filed claims.

HOW DO I KNOW WHETHER I SUBMITTED A CLAIM IN 2005?

- If this notice addressed to you has “CLAIM BEING PROCESSED” printed on it, that means you submitted a claim on time, and it is in the later stages of processing. If a problem is found with the claim, you will be notified.
- If this notice has “INELIGIBLE CLAIM” printed on it, that means you submitted a claim that was determined by the Claims Administrator to be ineligible during the initial stages of processing. Challenges to the ineligibility determination by the Claims Administrator may be made during the dispute resolution process.
- If this notice has “NO CLAIM” printed on it, that means the Claims Administrator has no record of a claim from you.

HOW DO I PARTICIPATE IN THE SETTLEMENT?

Remaining in the Class. If you meet the Class definition, you do not have to do anything to remain in the Class. If you choose to remain in the Class, your rights as a Class member in this litigation will be represented by the Court-appointed representative plaintiffs and their attorneys. If you remain in the Class, you will be bound by any judgment or determination of the Court in connection with the settlement, whether favorable or unfavorable. You will not be personally responsible for any attorneys’ fees or costs in the litigation, unless you retain your own counsel. As described in the full Notice Of Revised Class Action Settlement posted at www.copyrightclassaction.com, any attorneys’ fees and costs of class counsel will be paid, pursuant to Court approval, out of the settlement funds. If you wish, you may be represented in the lawsuit by your own attorney at your own expense. If you wish to be represented by your own counsel, you and your attorney must file an Entry of Appearance no later than **May 9, 2014**, and serve copies on the parties in the lawsuit by first-class mail. For more information, including the addresses of the parties’ respective attorneys, please refer to the full Notice Of Revised Class Action Settlement posted at www.copyrightclassaction.com.

Obtaining a settlement payment. As stated above, assuming the settlement is approved and the approval becomes final, if you submitted a timely, valid Proof of Claim under the original settlement in 2005, you will receive a settlement payment. **If you did not submit a claim under the original settlement, or if your claim is finally determined to be ineligible, you will not be eligible for any payment under the revised settlement.**

Release of claims. If you do not exclude yourself, approval of the settlement will bar and release each and every claim you may have, whether arising under federal, state, or foreign law, that has been or could have been asserted in this lawsuit against every member of the Defense Group, every Supplemental Participating Publisher, and all their past, present, and future parents, predecessors, subsidiaries, affiliates, and divisions, and all of their respective officers, directors, owners, partners, governors, employees, agents, nominees, successors, assigns, legal representatives and licensees, with respect to any and all of the Subject Works in every electronic or digital format, including but not limited to all claims arising out of the same facts as your claims of copyright infringement, past, present, or future, known or unknown, and all claims with respect to the electronic reproduction, distribution, display, license, sale or adaptation of Subject Works to or by the Defense Group or Supplemental Participating Publishers. You will no longer be able to pursue such claims, such as by filing your own lawsuit.

Even if the settlement releases your claims, you continue to own the copyright in your Subject Works, including the right to license them to others on a non-exclusive basis. Furthermore, only your claims concerning Subject Works would be released. For a more detailed description of these and other clarifications regarding the above release, please refer to the full Notice Of Revised Class Action Settlement posted at www.copyrightclassaction.com.

If you exclude yourself from the Class, none of your legal claims will be released.

HOW DO I EXCLUDE MYSELF FROM THE CLASS?

You can exclude yourself from the Class by sending a written request for exclusion by first-class mail, postage prepaid, postmarked no later than **May 9, 2014**, to **Literary Works in Electronic Databases Copyright Litigation, EXCLUSION REQUEST, c/o GCG, PO Box 10033, Dublin, OH, 43017-6633**. You can also exclude yourself by requesting exclusion online at www.copyrightclassaction.com no later than **May 9, 2014**. You do not need to state your reason for requesting exclusion. However, your request for exclusion must be signed by you or an authorized person, must state that you wish to be excluded from the Class, and must state your name and address. If you exclude yourself online, you must complete all requested fields.

If you exclude yourself from the Class, you will not be eligible to receive a settlement payment, and any claim you previously submitted under the original settlement will be null and void. None of your legal claims will be released by the settlement, and you may be able to bring a lawsuit asserting those claims.

If you previously excluded yourself in response to the original settlement in 2005, you are already excluded from the Class and the revised settlement. If this notice addressed to you has "EXCLUDED" printed on it, that means you already excluded yourself.

WHAT HAPPENS NEXT?

The revised settlement has not yet been approved by the Court. On **June 10, 2014**, a hearing will be held at **10:00 a.m.** in Courtroom 11A of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007, to determine whether the proposed settlement is fair, adequate, and reasonable and should be approved by the Court. At the hearing, the Court will also consider related matters, including the applications for attorneys' fees, reimbursement of expenses, and for special awards to the representative plaintiffs. Although not necessary, you are entitled to appear and be heard at the hearing. The time and date of the hearing may be rescheduled by the Court without further notice.

If you remain in the Class, you have the right to object to any aspect of the proposed settlement, including the applications for attorneys' fees and costs, and the requests for special awards to the representative plaintiffs. If you wish to object to the settlement, please comply with the procedure and deadline described in the full Notice Of Class Action Settlement posted at www.copyrightclassaction.com.

If you change your mailing or e-mail address, or if you have changed your mailing or e-mail address since the original settlement in 2005, or if this notice was sent to you at an incorrect address, you should notify the Claims Administrator, whose contact information is in the full Notice of Revised Class Action Settlement. If the Claims Administrator does not have your correct mailing or e-mail address, you may not receive your settlement payment (assuming you submitted a valid claim) or notice of important developments in this class action.

PLEASE DO NOT TELEPHONE OR ADDRESS ANY INQUIRIES TO THE COURT CONCERNING THE SETTLEMENT.

Dated: January 22, 2014

**BY ORDER OF THE COURT:
The Honorable George B. Daniels
United States District Judge
for the Southern District of New York**