

# SANDERS LAW, PLLC

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August 11, 2014

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**Re: Unauthorized Use of Copyrighted Image  
Our File Number: 106864**

We are the attorneys for Calkin Media Incorporated. We write to you concerning certain violations of the United States Copyright Law, Title 17 of the United States Code ("U.S.C."), which you and/or your organization (collectively referred to here as "you") have committed and which have been brought to our attention by our client.

Specifically, 17 U.S.C. §106 provides, in part, that the owner of a copyright has exclusive rights to their copyrighted material, including the rights to reproduce the material, to prepare derivative works based upon the material, and to distribute copies of the material to the public by sale or other transfer of ownership, or by rental, lease, or lending. Your website [www.njpinebarrens.com](http://www.njpinebarrens.com) has, knowingly and without a valid license or permission, and therefore in violation of the aforementioned law, made commercial use of our client's copyrighted material. Attached hereto for your reference are copies of the copyrighted material in question, along with proof of your unauthorized usage on your website. These images are also available for your review by logging in to our website at [payonline.sanderslawpllc.com](http://payonline.sanderslawpllc.com) and utilizing the following code to access your matter: "54DVU6d".

Pursuant to 17 U.S.C. §504, you are liable for, at our client's election, either our client's actual damages and any additional profits earned by you attributable to the usage of the copyrighted material, or statutory damages between \$750.00 to \$30,000.00, for each copyrighted work upon which there was an infringement. Additionally, if the infringement was committed willfully, the court may increase the award of statutory damages to a sum of not more than \$150,000.00 per infringement. If we are required to file a civil action against you, 17 U.S.C. §505 allows the court to grant the recovery of the full costs of the action as well as our client's legal fees.



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In order to avoid the potential commencement of litigation against you, please, take the following action:

1. **Valid License.** If you are in possession of a valid license that was purchased prior to your use of the copyrighted material, please provide us with all of the necessary information concerning such license (e.g. sales order, invoice number or other license information).
2. **No Valid License.** If you do not have a valid license for the copyrighted material, and you do not plan to use the material in the future:
  - a) You must immediately cease and desist the use of the material and immediately remove it from your website; and
  - b) You must contact us at (855) 456-2240 immediately to arrange a monetary settlement for the prior unauthorized use of the material. We can, at times, structure the settlement as a retroactive license for the usage of the copyrighted material.
3. **No Valid License, But Want to Continue Use of the Material.** If you do not have a valid license for the copyrighted material, but you want to continue use of the material, in addition to the restitution set forth in paragraph 2(b) above, you must also negotiate for a limited license, which will allow you to use the material for use on your website(s). Should you require a license for any use beyond your website, you must contact our office to discuss this matter at (855) 456-2240.

Please note that simply ceasing to use the copyrighted material does not absolve you of the responsibility to pay for the material you have already used without a license. Therefore, just taking the material down will not make this matter go away and you must make arrangements with our office for settlement. If you have questions after reading this letter and the attached Frequently Asked Questions, please contact our office at (855) 456-2240 or via email at [copyright@sanderslawpllc.com](mailto:copyright@sanderslawpllc.com). Please be sure to include your company name and our case number in any correspondence or message.

Please note we have been authorized to commence litigation against you should you fail to timely resolve this matter. Please be further advised that once we commence such litigation, we will seek the maximum statutory damages available to our client, and will start to accrue legal costs and attorney's fees for which you may ultimately be responsible. This letter is without prejudice to all rights and remedies afforded our client under statute and common law, all of which are expressly reserved. Please guide yourself accordingly.

Very truly yours,

SANDERS LAW, PLLC



## **FREQUENTLY ASKED QUESTIONS**

### **What can I do if I believe I have received this notification in error?**

Please contact us immediately at [copyright@sanderslawpllc.com](mailto:copyright@sanderslawpllc.com) or call (855) 456-2240. Please be sure to provide our file number found on the attached letter as well as your name and company contact information. Please be aware that if you do not respond to this letter timely, we have been authorized to commence litigation against you so it is incumbent upon you to notify our office of the error.

### **What if someone else created my company's website?**

Under copyright law, both you, and any third-party (e.g. designer, employee or company retained to design and/or develop your company's website) are jointly and severally responsible for infringement damages. That means that our client is able to recover in full from either you or from them. If a third-party who supplied the material is willing to settle on your behalf, please ensure that they immediately contact our office to arrange for a settlement of this matter. Please be aware that if the third-party is unable or unwilling to settle this matter on your behalf, we will continue to pursue remedies against you. It is your responsibility to ensure that this matter is resolved.

### **What if I simply remove the material from my website?**

The removal of the material will not settle the prior violation. Since you have already infringed ~~the copyright by using the material without a valid license, you are responsible under 17 U.S.C.~~ §504 for damages to our client. Removing the material does nothing to resolve the prior infringement.

### **I found the images on the Internet; aren't they therefore free?**

That a prior user may or may not have had a valid license for the usage of our client's copyrighted material does not mean that you also had such a license. In order to use an image, you are required to obtain a license from the rights-holder (e.g. author or photographer) prior to the usage of their copyrighted material. Therefore, while you may have believed the images were available for free use, all material for which you have received a demand letter required an appropriate license for their use. Additionally, please be advised that "Royalty-free" is an industry phrase that refers to a licensing model where the user pays once and has the continuing right to use the material without additional royalty payments; it does not mean that the material does not require a purchased license for its usage by a third-party.

### **What can I do to resolve this situation?**

Although you may not have been aware of your unauthorized use of the copyrighted material, it is still a violation of copyright law. Since the unlicensed usage has already occurred, and the Copyright Law has therefore been violated, payment to the rights-holder is required in order to avoid the filing, service and commencement of the attached lawsuit. Please keep in mind that in a copyright infringement lawsuit, our client is entitled to seek actual or statutory (as much as \$150,000.00 per infringement) damages as well as our firm's fees for pursuing this matter. It is therefore essential that you contact our office to make settlement arrangements immediately and certainly no later than twenty days from receipt of this letter.





**COPYRIGHTED  
IMAGE**



**INFRINGEMENT#1 OF 1**

Photo Owner: Calkin Media Incorporated  
Photo ID Number: levdc5-69pz8pzkq8li02dvj4q--042113j black  
saturday 01 .jpg  
Date Taken: 02/18/2010  
Photo Description: Newspaper from April, 1963 with the  
headline about the forest fire in Burlington County.

Registration Number: CLIENT\_MUST\_PROVIDE

Domain: www.njpinebarrens.com  
URL: <http://forums.njpinebarrens.com/threads/remembering-black-saturday-50-years-ago.9194/>  
Observed Date: 05/01/2014

**WEB PAGE  
CAPTURE**

