# Case 1:16-cv-05924 Document 1-1 Filed 07/25/16 Page 2 of 4

Subject: Unauthorized Use of Alamy Image(s) - Case Number 380913878 (Ref: 1031-7385-3953)

Date: Monday, December 14, 2015 at 1:32:59 PM Eastern Standard Time

From: LCS@LCS.global <LCS@LCS.global>

To: info@ThisIsAmericaFoundation.org <info@ThisIsAmericaFoundation.org>





License Compliance Services, Inc. on behalf of Alamy Columbia Center, 701 Fifth Avenue, 42th Floor, Suite 4272 Seattle, WA 98104, United States Email: LCS@LCS.global, Telephone: +1 855 387 8725, www.LCS.global

December 14, 2015

Case Number: 380913878

Dear This is America! Foundation,

We have seen that an image or image(s) represented by Alamy has been used for online use by your company. According to Alamy's records your company doesn't have a **valid license for use of the image(s)**.

To view the image(s) in question go to: https://settle.lcs.global/103173853953

Although this infringement might have been unintentional, use of an image without a valid license is considered copyright infringement in violation of the Copyright Act, Title 17, United States Code. This copyright law entitles Alamy to seek compensation for any license infringement.

# We would like to work with you to resolve this matter (Case Number: 380913878):

#### • If we are wrong and you do have a valid license:

Please email the license purchase information to <u>LCS@LCS.global</u> within 10 business days of the date of this letter.

• If you do not have a valid license, but would like to continue to use the image(s) in question:

Get in touch by email at LCS@LCS.global or call +1 855 387 8725 and we will assist you.

You will still need to make a settlement payment of \$120.00.

• **Alternatively:** You need to stop using the image(s) straight away. In addition, you need to make a settlement payment of \$120.00.

#### Payment Options (settlement fee: \$120.00)

- Pay online at: <a href="https://settle.lcs.global/103173853953">https://settle.lcs.global/103173853953</a>
- Remit Check Payment To:

License Compliance Services Picscout Inc. Columbia Center, 701 Fifth Avenue, 42th Floor, Suite 4272 Seattle, WA 98104 United States

Please include Reference Number 1031-7385-3953 with check payment.

• Alternatively, you may contact us at +1 855 387 8725.

If you believe you have mistakenly received this letter, please contact us by email at <u>LCS@LCS.global</u>, or call +1 855 387 8725 and we will assist you.

This letter is without prejudice to Alamy's rights and remedies, all of which are expressly reserved.

Sincerely,

License Compliance Services

#### **Frequently Asked Questions**

#### What is Alamy?

Alamy is a privately owned online photo agency for stock imagery, video and live news. It was launched in 1999 and its headquarters are located on Milton Park, near Abingdon, Oxfordshire, U.K. Images are sourced from over 35,000 individual photographers and 600 picture agencies from around the world. 25,000 new images are added everyday, keeping the collection fresh and up to date. Our customers range from press and publishing groups, advertising and design agencies and corporate marketing departments to bloggers, internal communication departments and individual buyers.

## Why is Alamy contacting me?

Your website was recognized by an internet service Alamy uses to identify all online uses of images we represent. We've checked and there is no record of a valid license for use of the image(s) identified online.

## What if I didn't know?

You may have employed a third party, former worker or intern to design and develop your company's site. However, the liability of any infringement ultimately falls on the company (the end user) who hired that party, employee or intern. You may have been unaware this material was subject to license. The Copyright Act treats infringements as "no fault," meaning anyone who copies, displays or publicly distributes a photograph infringes the copyright whether they were aware that the use was infringing or not.

## What if I simply remove the image?

While we appreciate the effort of removing the material in question from your site, we still need compensation. Your company has benefited by using our imagery without our permission. As the unauthorized use has already occurred, payment for that benefit is necessary.

# What if I need to speak further with somebody to discuss this matter?

Please either email us at LCS@LCS.global or call +1 855 387 8725.