

ARBORLAW ASSOCIATES PLLC

BUSINESS, TECHNOLOGY, ENTERTAINMENT AND MEDIA LAW

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*Mr. Fred Leggett c/o Free Private Reg
d/b/a "AWFULBOOKS.COM"
P.O. Box 81024
Burnaby, BC V5H 4K2
CA*

FIRST CLASS US MAIL AND EMAIL DELIVERY

Re: DMCA Notice of Copyright Infringement —
Demand for Takedown and Cease & Desist

10 April 2007

Dear Mr. Leggett:

This law firm represents Subterranean Press, Inc., a Michigan, USA corporation. I am an attorney and authorized agent for Subterranean Press. You are receiving this letter because you are authoring and hosting webpages which infringe the copyrights and other US intellectual property rights of my client.

Specifically, your website at *awfulbooks.com* ("the Website") contains a near-duplicate copy of a page on the Subterranean Press web page for the book title "A Feast For Crows" by George R. R. Martin ("the Original Site"). Here is the URL for the *awfulbooks.com* page:

<http://www.awfulbooks.com/afeastforcrows.html>

and here is the URL for the Original Site that is being spoofed:

http://www.subterraneanpress.com/Merchant2/merchant.mv?Screen=PROD&Product_Code=martin04&Category_Code=PRE&Product_Count=18

Please see Exhibit A for the BetterWhois information, where we obtained information on you as the domain name registrant and owner of the Website.

Please note that you have violated copyright by duplicating graphic design elements, fonts, and placement of items and text, causing the Internet user to believe or question that he or she has landed on the actual page for the book at the Original Site. Your infringing spoof site reproduces the exact same graphics of the book cover and illustration detail which occur on the Original Site, without authorization of the artist or the publishing company. The text, graphic elements, and layout of the web page are copyright materials owned by Subterranean Press and these materials were used without authorization or license.

This letter is a demand for you to take these materials immediately down for copyright infringement and false designation of origin, and for violation of your terms of service under the Doteasy hosting agreement.

*Mr. Fred Leggett
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Subterranean Press is providing this notification of infringement pursuant to the US Digital Millennium Copyright Act (the "DMCA"), although its complaint also extends to other intellectual property rights, such as rights under the US federal Lanham Act, Section 43(a), to be free from parties making a false designation of origin. As required under Sections 512(c)(3) and 512(d)(3) of the DMCA (17 USC Sections 512(c)(3) and 512(d)(3)), the remaining information is submitted to support a DMCA notice and demand for immediate takedown of these materials.

Your Website violates the law, Subterranean Press' rights, and the contract terms of your provider's Terms of Service in the following ways:

1. Copyright Infringement — Violation of the US Digital Millennium Copyright Act.

The Website displays numerous images, texts and designs taken directly from Subterranean Press' website located at *subterreaneanpress.com*. This material, individually and as a compilation, is protected by copyright law and may not be reproduced, in whole or in part, without the express written authorization of Subterranean Press.

With regard to this claim, I, the undersigned, hereby declare in good faith that Subterranean Press exclusively holds all copyright rights in the Original Page, as well as any additional intellectual property rights associated with the structure, sequence and organization and the "look and feel" of the Original Page.

As required under the DMCA, I, the undersigned, hereby declare in good faith that the use of the material owned by Subterranean Press on the site *awfulbooks.com*, is not authorized by the copyright owner, its agent or the law.

II. False Designation of Origin — Violation of Section 43(a) of the US Lanham Act.

The Website is designed to mimic the Original Page to a degree that is highly likely to result in confusion by a member of the public who visits *awfulbooks.com* and thinks that the infringing Website is the Official Site for "A Feast of Crows."

Section 43(a) of the Lanham Act (15 USC Section 1125) states that

(a) (1) Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which--

(A) is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person ... shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

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Accordingly, Subterranean Press requests pursuant to 17 USC Section 512 of the US DMCA, that you **immediately remove this content. If content is not removed within five (5) days of the date of this letter Subterranean Press will take further action.** A similar demand letter is being sent to the Doteasy.com under separate cover.

III. Violation of Doteasy Service Terms and Conditions

Apart from violations of US federal laws, the Website is in violation of your hosting provider's terms and conditions. Paragraph 13, Prohibited Conduct of the Doteasy agreement provides that "use of the Service **must be in compliance with Canadian and US laws** and laws of your country at all times" and specifically that "content that infringes or violates any copyright, patent, trademark, service mark, trade name, trade secret, or other intellectual property right of any third party" is prohibited under the terms of the agreement. Under Paragraph 11, Term/Termination, your account may be terminated for breach of "any term or condition of this Agreement" and also when "your use of the Service disrupts Doteasy business operations or affects any other party."

If you remove this content Subterranean Press will go no further. If you do not remove this content, Subterranean Press will seek damages and payment of its attorneys' fees in this matter. Thank you for your consideration in this matter. If you have any questions or comments, please email, or call me at 734-717-4646.

Regards,

ARBORLAW ASSOCIATES PLLC



Carol Ruth Shepherd
Attorney

Xc: Mr. William Schafer, Subterranean Press

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EXHIBIT A
Registrant Information from BETTERWHOIS

Registrant:

Fred Leggett c/o Free Private Reg
P.O. Box 81024
Burnaby, BC V5H 4K2
CA

Domain name: AWFULBOOKS.COM

Administrative Contact:

Leggett, Fred awfulbooks.com@freeprivateregistration.com
P.O. Box 81024
Burnaby, BC V5H 4K2
CA
852-3594-1708

Technical Contact:

Hostmaster, Domain hostmaster@doteasy.com
Suite 210 - 3602 Gilmore Way
Burnaby, BC V5G 4W9
CA
(604) 434-4307 Fax: (604) 608-6832

Registrar of Record: In2net Network Inc.

Record last updated on 23-Oct-2006.

Record expires on 23-Oct-2007.

Record created on 23-Oct-2006.

Domain servers in listed order:

DNS5.DOTEASY.COM 65.61.198.13
DNS6.DOTEASY.COM 65.61.199.13