

> ----- From:
> lcs Global <lcs@lcs.global> Dec 3
>
> to Robert
>
> Mr. Knox,
>
>
>
> The use of the image does not meet all factors of Fair Use.
>
> In order for the image to be considered for Fair Use it has to meet four
> different factors.
>
> If you believe that the case does fall under Fair Use and it goes to
> litigation, the burden would fall on you to prove that it does qualify and
> not us to prove that it does not.
>
>
>
> In the Terms of Use for the BBC it states:
>
> *2. General prohibition of use and intellectual property rights*
>
> *2.1* Unless otherwise expressly stated in the Additional Terms of a
> particular BBC Online Service:
>
> - *2.1.1* you may not copy, reproduce, republish, disassemble,
> decompile, reverse engineer, download, post, broadcast, transmit,
> distribute, lend, hire, sub-license, rent, perform, make a derivative
> work from, make available to the public, adapt, alter, edit,
> re-position, frame, rebrand, change or otherwise use in any way any BBC
> Online Services and/or BBC Content in whole or in part on your product
> or service or elsewhere or permit or assist any third party to do the
> same except to the extent permitted at law ("*Restricted Acts*");
> - *2.1.2* all copyright, trade marks, design rights, patents and other
> intellectual property rights (registered and unregistered) in BBC
> Online Services and/or BBC Content shall remain vested in the BBC or
> its licensors; and
> - *2.1.3* the names, images and logos identifying the BBC, its
> licensors or third parties and their products and services in BBC
> Online Services and/or BBC Content are subject to copyright, design

> rights and trade marks (registered and unregistered) of the BBC or any
> other relevant third party or licensor.
>
> *2.2* Except as expressly stated in the Additional Terms of a particular
> BBC Online Service, all BBC and/or licensor rights (including copyright,
> trade marks, patents, design rights and other intellectual property
> rights) in BBC Online Services and/or BBC Content are reserved by the BBC
> as owner or on behalf of licensors as licensee, as appropriate and nothing
> in the Business User Terms operates to transfer or licence these rights to
> Business Users. For the avoidance of doubt, nothing in the Business User
> Terms will operate to transfer or license any rights owned by the BBC in
> any BBC trade marks or logos and any rights owned by the BBC as owner or
> on behalf of licensors as licensee as appropriate in BBC Content.

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>
> If you have a 501c3 status with the IRS, please provide us with your IRS
> Determination letter reflecting your 501c3 status. Once received, we can
> reduce the settlement amount by 80%.

>
>
>
> Samantha Clemens

>
> *License Compliance Services, Inc.*

>
> T: [1.855.387.8725](tel:18553878725) E: LCS@LCS.global W: www.LCS.global
> <<http://www.lcs.global/>>

>
> 605 Fifth Avenue South, Suite 400, Seattle, WA 98104
>
> [image: cid:image003.png@01D0DE9C.EC01F4C0]

>
>
>
> *From:* Robert@uoah.org
> *Sent:* Saturday, November 28, 2015 12:31 PM
> *To:* lcs Global <lcs@lcs.global>
> *Subject:* Re: Unauthorized Use of Science Photo Library Ltd.'s Imagery -
> Case Number 379786452 (Ref: 4825-2512-8572)

>
>
>
> Hello,

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> I hope you had a good Thanksgiving.

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>
> The High Contrast Kidneys image in question is a thumbnail linking
> to an article
> (<http://www.bbc.com/future/story/20120621-printing-a-human-kidney>). The

> format of the BBC article has changed since first posting, but you can
> still see the image in the background behind the video player.

>
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>
> The UOAH is an educational and informational website. The image is a
> thumbnail being used for educational/informational/reporting purposes. If
> changing the thumbnail image entirely would expedite the complete
> dismissal of this case, I can do that to make sure all parties are
> completely satisfied. Hopefully we can agree that the current use would
> fall under fair use as established in the Copyright Act Section 107.
> Hopefully we can therefore dismiss this case. Thank you for your time.

> Take care,

> Robert Knox

> The UOAH

> On Tue, Nov 24, 2015 at 10:08 AM, <LCS@lcs.global> wrote:

> [image: Image removed by sender.]

> [image: Image removed by sender.]

> *License Compliance Services, Inc. *on behalf of *Science Photo Library
> Ltd.*
> 605 Fifth Avenue South, Suite 400
> Seattle, WA 98104, United States
> Email: LCS@LCS.global, Telephone: [+1 855 387 8725](tel:+18553878725), www.LCS.global
> <http://www.lcs.global/>

> November 24, 2015

> *OFFICIAL COMMUNICATION - **Case Number** : **379786452**
> * _____ *

> 1. Our represented *imagery is/was used on your website.*

> 2. Our records *do not show a valid license* for this use of our imagery.

> *Your action is required within 10 business days to resolve this matter*:

> - Send us your valid license / authorization (LCS@LCS.global)

> - Or settle online: [*https://settle.lcs.global/482525128572](https://settle.lcs.global/482525128572)

> [*https://settle.lcs.global/482525128572*](https://settle.lcs.global/482525128572)

> For inquiries, call:* [+1 855 387 8725](tel:+18553878725) <%2B1%20855%20387%208725>*

> *More details can be found below.*

>
>
>
>
> Attn: The Universal Organization for the Advancement of Humanity

>
> Science Photo Library Ltd., a global provider of digital imagery, has
> become aware of an instance(s) of *its represented imagery being used on
> your company's website. *Our records *do not indicate that valid licensing
> has been issued to your company* for the use of the image(s). If your
> company does in fact hold a valid license(s) for the image(s) in question,
> please email any relevant documentation (valid license, purchase records,
> documentation of authorization). We will review your documentation and
> update our records if appropriate.

>
> This letter has been sent to you by License Compliance Services, Inc.
> ("LCS"), a company that specializes in assisting copyright holders with
> the management and protection of their content. With regards to this case,
> Science Photo Library Ltd. has mandated LCS to resolve the matter of your
> online use of Science Photo Library Ltd.'s imagery.

>
> Use of imagery represented by Science Photo Library Ltd. without proper
> licensing is considered *copyright infringement* and entitles Science
> Photo Library Ltd. to pursue compensation for infringing uses (Copyright
> Act, Title 17, United States Code).

>
> *To view the image(s)* in question together with proof evidencing your use
> of these images on your website, go to:

> <https://settle.lcs.global/482525128572>

>
> As an example, see below Science Photo Library Ltd.'s image "c0090210" as
> used on your website:

>
> *Original image*
> [image: Image removed by sender.]

>
> *Proof of use*
> [image: Image removed by sender.]

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>
> *TO RESOLVE THIS MATTER - *(Case Number: 379786452)*

>
> You are required to take action within 10 business days of the date of
> this email, as follows:

>
> - *If your company possesses a valid license(s) or other authorization*
> for the use of the imagery, please email license purchase and/or
> authorization documentation to LCS@LCS.global and we will close this
> case (upon verification of the documentation by Science Photo Library
> Ltd.). - *If your company does not hold a valid license(s) or other
> authorization* for the use of the imagery, you must:

> - Submit a *settlement payment in the amount of \$510.00* (payment
> options are provided below).
> - Immediately cease use of the image(s) in question.
>
> In an effort to resolve this matter in a mutually efficient and
> constructive manner, we are prepared to provide a *20% reduction in the
> standard settlement cost*. This gesture is available to you throughout the
> 10-day time frame described above.
>
> *PAYMENT OPTIONS*
>
> - *Online payment*: You may submit payment online at:
> *<https://settle.lcs.global/482525128572>
> <<https://settle.lcs.global/482525128572>>*
> - *Check payment*: You may send payment by check to:
> License Compliance Services, Inc.
> 605 Fifth Avenue South, Suite 400, Seattle, WA 98104, United
> States *Please include Reference 4825-2512-8572 with check payment.*
>
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> *IMPORTANT NOTES*
>
> - *Discontinuance of use of the imagery does not release your company
> of its obligation to pay compensation* for the imagery previously used.
> Past usage must still be paid for.
> - You may have been unaware that this imagery was subject to license.
> However, copyright infringement can occur regardless of knowledge or
> intent. *While being unaware of license requirements is unfortunate, it
> does not change liability*. As the site owner you are still the
> responsible party, even if a third party is involved in the unlicensed
> use.
>
>
> - You may find further information in the FAQ section at
> <https://settle.lcs.global/>
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>
> If you would like to continue to use the imagery in question, or if you
> have other requests in relation to this letter, please contact us by email
> at LCS@LCS.global, or call *+1 855 387 8725 <%2B1%20855%20387%208725> *
> and we will assist you.
>
> This letter is without prejudice to Science Photo Library Ltd.'s rights
> and remedies, all of which are expressly reserved.
>
> Sincerely,
>
> *License Compliance Services*
> LCS@LCS.global
> <http://www.sciencephoto.com/Licence-Compliance-Services>