



605 5th Ave S, Suite 400, Seattle, WA 98104 USA  
Tel 1 800 972 4170 Fax 206 925 5001 [www.gettyimages.com](http://www.gettyimages.com)

July 1, 2014

369878279

LEGAL DEPARTMENT  
SCHNEIDER ROTHMAN IP LAW GROU  
4651 N FEDERAL HWY  
BOCA RATON FL 33431-5133



### Unauthorized Use Notification

To view the image(s) in question, along with the usage found on your company's website, visit:

URL: <http://lc.gettyimages.com> | Case Number: 369878279 | Access Code: 6e7t4y7

For more information about the Getty Images License Compliance program, please visit:

<http://lcinfo.gettyimages.com>

It has come to our attention that you are using an image (or images) represented by Getty Images for online promotional and/or editorial purposes. We have searched our records and have not been able to locate a valid license for the use of the image(s) under your company's name. Attached is a copy of the image(s) in question along with the usage found on your company's website.

As the leading worldwide provider of digital media, Getty Images is deeply committed to protecting the interests, intellectual property rights and livelihood of the photographers, filmmakers and other artists who entrust Getty Images to license their work. Getty Images looks forward to amicably resolving this matter and appreciates your cooperation.

Although this use might have been unintentional, the use of an image without a valid license is considered copyright infringement in violation of US copyright law, Title 17 of the United States Code. The purpose of this communication is to identify a previously purchased license or reach a fair settlement if no valid license exists.

### Within 14 days of the date of this letter please take the following actions:

- If a valid license was purchased prior to the use of the image(s), please provide us the Getty Images' sales order, invoice number or other license information. If the image(s) were licensed in the name of a third party, such as an advertising agency or web designer, please advise us of their name and ask them to contact us directly to determine if there is a valid license in place. Please note that as the end user you are ultimately responsible for resolving this issue.

- If a valid license does not exist for the identified usage and you do not plan to use the image(s) moving forward, you must immediately cease and desist use of the image(s), and remove them from your

website. In addition, attached is a demand representing the monetary settlement for the use of the image(s) in question. To avoid further action, payment must be received within 14 days of the date of this letter. Please follow the remittance instructions included on the attached settlement request. Payment can be made online using the URL and Access code provided on the top of this letter.

Please note, we are only charging the average licensing fee for commercial use of the rightsmanaged image(s) found on your website. Getty Images has incurred additional costs of \$400 per image related to the pursuit of this matter; we are currently waiving this cost, as we understand this unlicensed use may have been unintentional.

Remember that if you do not have a valid license, ceasing use of the image(s) does not release your company of its responsibility to pay for the image(s) already used. Getty Images' Copyright Compliance Team is willing to discuss the circumstances surrounding this matter; however, Getty Images and its artists expect to be compensated for the use of the image(s) in question.

If after settlement you would like to continue using the image(s), our Copyright Compliance Team can assist you with licensing the image(s) for future use. ***In an effort to help you find suitable replacement images, once you settle your case with us, we can provide you with a code for a free 5-Image Pack from our Thinkstock collection.*** After you make payment, please give us a call and we can provide you with the code and instructions.

Getty Images understands that this may be the first time you have come in contact with our company so we encourage you to visit our website ([www.gettyimages.com](http://www.gettyimages.com)) to learn more about who we are and how we license and protect images. Copyright education materials are also available on our site. If you have questions after reading this letter and the attached Frequently Asked Questions, feel free to contact our Copyright Compliance Team at 1 800 972 4170. We are eager to assist you in resolving this matter.

We look forward to your prompt response. Remember to include your company name and reference number, as they appear on the attached settlement demand, in any correspondence. This information will help us to expedite our research. Please note that your failure to respond may result in further legal action.

**If you believe you have received this letter in error or have questions, please contact us at 1 800 972 4170 or email [licensecompliance@gettyimages.com](mailto:licensecompliance@gettyimages.com).**

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

Sincerely,

**Copyright Compliance Specialist – Getty Images**  
For more information go to: <http://lcinfo.gettyimages.com>

## SETTLEMENT DEMAND

To view the image(s) in question along with the usage found on your company's website, please visit:

<http://lc.gettyimages.com> | **Case Number: 369878279** | **Access Code: 6e7t4y7**

## DETAILS

Image Number: 120379626



Photographer - David Young-Wolff

License Type - Rights Managed

Image Price - \$380.00

Page URL: <http://www.sriplaw.com/blog/page/3/>



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**TOTAL DUE**

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**Subtotal:** **\$380.00 USD\***

Please note, we are only charging the average licensing fee for commercial use of the rightsmanaged image(s) found on your website. Getty Images has incurred additional costs of \$400 per image related to the pursuit of this matter; we are currently waiving this cost, as we understand this unlicensed use may have been unintentional.

\*Additional Taxes may apply

**REMITTANCE PAYMENT OPTIONS**

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Please remit payment using one of th following payment options:

- **Online Payment**

You can pay your settlement fee online. In the address bar of your web browser, type the URL below. Press Enter or Return on your keyboard, and then complete the three-step process on the website.

<http://lc.gettyimages.com> | **Case Number: 369878279** | **Access Code: 6e7t4y7**

- **By Check**

**Mail to:**

Getty Images Inc  
PO Box 84434

Seattle, WA 98124-5734

Please include Case Number **369878279** with check payment.

- **Bank Transfer**

**Remit to:**

US Bank National Association  
Getty Images US Inc.

ABA Routing Number: 125000105

Bank Account Number: 153592619065

Address: 1420 5th Ave, Seattle, WA 98101

Please include Case Number **369878279** with wire payment.



## Frequently Asked Questions

For more information about the Getty Images License Compliance program, please visit:

<http://lcinfo.gettyimages.com>

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

Please contact us immediately at [LicenseCompliance@gettyimages.com](mailto:LicenseCompliance@gettyimages.com) or dial 1 800 972 4170. Please be sure to provide the case number found on your settlement demand, as well as your name and company contact information.

### Who is Getty Images?

Getty Images represents imagery, footage and music created and owned by some of the world's best photographers, filmmakers and artists, as well as by entities such as National Geographic, Time Life, Agence France Presse and various professional sports clubs and leagues. Getty Images has contractual agreements with its contributors to represent and license the use of digital content to companies all over the world.

Businesses license thousands of images daily on our website, [www.gettyimages.com](http://www.gettyimages.com). Customers such as graphic designers, advertising agencies and publishers license our imagery for a variety of purposes, including, but not limited to, print advertising, billboards, newspaper and magazine articles, brochures and websites.

Our license information is clearly available from each page of our website (see "License Information" link at the bottom of every page). Customers are not permitted to use imagery without paying a license fee and agreeing to the terms of our license agreement. Getty Images, on behalf of itself and its represented photographers, filmmakers and other contributors, is committed to protecting its imagery from unauthorized use.

Further information regarding Getty Images' business of copyright licensing and how it protects imagery from unauthorized use can be found in the "Copyright 101" guide available on the Getty Images' website.

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

Getty Images understands that a third-party designer, employee, or intern may have been contracted to design and develop your company's website. However, if no licenses for use of the images from Getty Images exist, the liability of any infringement ultimately falls on the company displaying the imagery, which is considered the end user. If this situation applies to your company, please contact the third-party to inquire if there are any licenses from Getty Images for the specific use of the images in question. If this is the case, please contact us as soon as possible to provide the Getty Images invoice number or sales order number information and we will research accordingly.

If a third party who supplied the images is willing to settle on your behalf, that third party may contact Getty Images to settle this matter. If the third party is unable or unwilling to settle this matter on your behalf, Getty Images will continue to pursue your company as the end user of our imagery. Any pursuit by you of reimbursement from the third party would be between you and the third party, separate from our claim against you.

### What if I remove the images? Could I simply consider this matter closed?

While we appreciate the removal of our represented images from your website, removal of the images



alone does not settle the matter. Since your company has already infringed the copyright by using the images without a valid license, our photographers are entitled to compensation for the use of their work. Therefore, Getty Images will continue to pursue settlement of the demand. We are seeking payment for the unlicensed use of the images, and would be happy to work with you on correctly licensing any future use.

**I found the images on the Internet or the Getty Images website; aren't these free or "Royalty-Free" images?**

Although we understand you may have believed the images were available for free use, all images represented by Getty Images require an appropriate license for their use. "Royalty-free" does not mean that the images are free; it is an industry phrase that refers to a licensing model where the user pays once and has the continuing right to use the image without additional royalty payments. In any event, the images referenced in our settlement demand are not available from Getty Images under a royalty-free licensing model.

**I did not know the images were represented by Getty Images and required a license; what can I do to resolve this situation?**

Although your company may not have known the imagery is represented by Getty Images, use of the copyright protected images without proper authorization is still a violation of copyright law. If no valid licenses exist, your company has violated the copyright by using the images without permission from Getty Images or its represented photographers. Since the unlicensed use has already occurred, and copyright law has been violated, payment of the settlement demand is required. Please keep in mind that in a copyright infringement lawsuit, Getty Images would be entitled to seek damages as well as costs and interest. This is an attempt to settle this matter amicably without litigation.

**I purchased the images from a company I found online as part of a web template, so was the web template company responsible for licensing the imagery?**

As the end user of Getty Images' imagery, you are ultimately responsible for ensuring that you have obtained the appropriate rights to use the imagery. If you acquire imagery from a web template provider or other such company, your company is still liable for copyright infringement if that provider or other such company did not properly license the imagery from Getty Images for your use.

**How does Getty Images calculate the settlement demand amount?**

The settlement demands are based upon the fair market value of a license, taking into consideration several factors such as usage, size, placement, duration, and territory. The settlement demand is calculated by taking the average length of use and the average cost of licensing for that period.

**I do not want to redesign our site with new imagery. Can I pay the amount due for the previous use and purchase a new license so that I can continue to use it?**

Yes, we'd be happy to assist you in this effort. Once the prior unlicensed use has been settled, Getty Images will help you license the images properly. The only circumstance in which we would not be able to issue a license for future use is if another customer has purchased exclusive rights to the same image that clash with your desired use.

**Can I settle this matter by purchasing a future license or by trying to purchase a backdated license?**

No, use of another's intellectual property without authorization is a violation of copyright law. Purchase of a future license or license subsequent to notification of the unauthorized use does not address the copyright violation. Accordingly, Getty Images does not accept either approach as settlement of our unlicensed use claim. Payment of the settlement demand is necessary to settle the matter.

**I am willing pay the amount due for the unauthorized use but cannot afford to continue to license such an expensive image. Are there less expensive options available?**

Getty Images offers imagery at a variety of prices; including Royalty-Free content on [Gettyimages.com](http://Gettyimages.com),

Punchstock.com and iStockphoto.com.

**What are the payment options?**

There are three options for paying your settlement fee:

**Online Payment**

A fast and efficient way to pay your settlement fee is online at <http://lc.gettyimages.com>. Simply open a web browser and type the web address in the address bar. Press Enter or Return on your keyboard, and follow the instructions that appear on the web page. You'll be guided through a three-step payment process and will be asked to provide the following:

- Case number
- Access code
- Credit card information

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After you've completed the online payment process, a settlement confirmation will be sent to the email address you provided on the Payment page (step 2) of the website.

**By Check**

**Mail to:**

Getty Images Inc  
PO Box 84434  
Seattle, WA 98124-5734

Please include Case Number **369878279** with check payment.

**Bank Transfers**

**Remit to:**

US Bank National Association  
Getty Images US Inc  
ABA Routing Number: 125000105  
Bank Account Number: 153592619065  
Swift Code: 153592619065  
Address: 1420 5th Ave, Seattle, WA 98101

Please include Case Number **369878279** with wire payment.

**How do I know if a full and final settlement for the claim against me has been resolved?**

After you've completed the online payment process, a settlement confirmation will be sent to the email address you provided on the Payment page (step 2) of the online payment website.