

From: christopher@spencercompany.com [christopher@spencercompany.com]
Sent: Sunday, September 27, 2015 11:18 PM
To: eig-abuse
Cc: tellme1st.net@contactprivacy.com
Subject: Misappropriation of Name, Image and Likeness / Privacy Invasion

My name is Christopher Matthew Spencer and I am an investigator and authorized representative of The Spencer Company. Please be advised that my office has been retained by Janet Jackson to report infringement of her name, image and likeness; violation of her copyrighted image and notice of privacy rights violation and request to remove the offending material from your server(s) under the DMCA. We hope that you are willing to promptly respond to this letter so that no legal action will be required.

A website that your company hosts (according to WHOIS information) is infringing on my client's rights. The following was placed on your server that is infringing on my client's rights:

URL: <http://www.tellme1st.net/rockyview/200402/SuperbowJackson1.jpg>

Public records reflect that the IP address for the server on which this content is stored is operated by your company.

MISAPPROPRIATION OF NAME, IMAGE AND LIKENESS / PRIVACY INVASION

Every person has the legal right, under California statutory and common law, to control the use of their name, image and likeness. Unlawful use of such violates a persons "right of publicity" also known as "publicity rights." The above web-pages and posting of my client's image violates her publicity rights under California law, where the pages are easily accessible.

California Civil Code section 3344 sets forth the right of publicity law in California:

(a) Any person who knowingly uses another's name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services, without such person's prior consent, or, in the case of a minor, the prior consent of his parent or legal guardian, shall be liable for any damages sustained by the person or persons injured as a result thereof.

What should be of immense concern to you is the following passage:

Punitive damages may also be awarded to the injured party or parties. The prevailing party in any action under this section shall also be entitled to attorney's fees and costs.

As such, we believe such publication, as referenced above violates my client's state law rights, and we request take-down on these grounds.

Thank you for taking the time to review this letter and for your anticipated investigation and response. Respectfully, we request that you disable the above page(s) and take down disable, and prevent any further access to same which will stop the injury being inflicted. We would request confirmation by replying to this email so that I can inform my client that the problem has been resolved. We look forward to your anticipated cooperation to this matter. Should you wish to discuss I can be reached directly at (818) 567-4000.

Very truly yours,

/s/ Christopher Matthew Spencer
The Spencer Company
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Burbank, California 91505
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(818) 567-4000