

December 23, 2014

Facebook, Inc.
1601 Willow Road
Menlo Park, CA 94025
Attn: DMCA Agent

VIA EMAIL (ip@fb.com)

Re: Notice of Copyright Violation (DMCA Takedown Notice), Privacy Violations, and Infringement of Name, Image and Likeness - Request to Remove Offending Page and Pictures.

Dear Registered Agent for Facebook DMCA notices:

Please be advised that my office has been retained by XXXXXXXX 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 Facebook under the DMCA. We hope that Facebook is willing to promptly respond to this letter so that no legal action will be required.

I. INTRODUCTION

My client is the legal owner of the photograph attached as **Exhibit "A"** and **Exhibit "B"**. The attestation as to good faith belief in ownership is signed and set forth below.

II. VIOLATION OF COPYRIGHT (DMCA "TAKEDOWN" NOTICE)

This letter is official notification under *Section 512(c)* of the Digital Millennium Copyright Act ("DMCA"). My client's images are copied on your Facebook server's without my client's request and in violation of copyright law on another Facebook user's profile creating a false endorsement. We would request under the DMCA that you immediately investigate and notify the infringing users of our claim of infringement and ensure that the unauthorized items are removed and/or that access is disabled from your servers. The copy is embarrassing to my client and is causing her great distress and personal injury.

We would respectfully request that Facebook *take-down* and disable access to these Photos believed in good faith to be infringing. The websites URL address where the offending photos can be located are provided for ease of reference on the top of **Exhibits “A” and “B.”**

The unauthorized and infringing copies can also be found at:

[LINKS GO HERE](#)

III. 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 Facebook 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.***

Arizona law, (my Client resides in Arizona) also prohibits the continued posting of these unauthorized images. In Arizona, the common law right of privacy provides protection against four distinct categories of invasion:

- (1) Intrusion upon a plaintiff’s seclusion or solitude, or into his private affairs;
- (2) Public disclosure of embarrassing private facts about a plaintiff;
- (3) Publicity which places the plaintiff in a false light in the public eye; and
- (4) Appropriation, for the defendant’s advantage, of the plaintiff’s name or likeness. *Eastwood v. Superior Court*, 149 Cal.App.3d 409, 198 Cal.Rptr. 342, 346 (1983).

The fourth category is commonly referred to as appropriation or the right of publicity. See Restatement (Third) of Unfair Competition § 46.

As such, we believe such publication, as referenced above and in the Exhibits to this letter, violates my client's state law rights (particularly items #1 and #4 above), and we request take-down on these grounds, which we also believes violates Facebook's terms of use and privacy policies as set forth on the Facebook.com website and could result in liability for contributory infringement.

IV. THE IMPOSTER ACCOUNT VIOLATES THE FACEBOOK TERMS OF USE AND OTHER POLICIES

We have reviewed your facebook terms of use and other policies and we believe the offending page (which can be found at _____) violates the Facebook terms of use, terms of service and other general use policies including privacy policy.

V. REQUEST FOR IMPOSTER TIMELINE

In order to protect my client's identity and reputation, and pursuant to Facebook's policies, we hereby request a imposter timeline. Please send such to:

The Law Offices of Steven C. Vondran, Esq.
One Sansome Street, Suite 3500
San Francisco, CA 94111

VII. COPYRIGHT GOOD FAITH ATTESTATION (DMCA)

I am providing this DMCA notice in good faith and with the reasonable belief that my rights in the above photographs are being infringed. I certify and attest under penalty of perjury that the information contained in this notification is both true and accurate to the best of my ability. If you have any questions, or need to discuss with me, please contact my lawyer at the number provided below. You have my specific and express authority to discuss any aspects of my case with the undersigned attorney.

Name: _____ (print)

Name: _____ (signature)

Date: December ____, 2014

Address: _____

Phone: _____ (please contact my lawyer with any questions)

Email: _____ (please contact my lawyer with any questions)

VII. CONCLUSION

Thank you for taking the time to review this letter and for you anticipated investigation and response. Respectfully, we request that Facebook 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 email to steve@vondranlegal.com 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 (877) 276-5084.

Very truly yours

Steven C. Vondran, Esq.

Encl: Exhibits "A" and "B"

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