

Date: March 31 2010

By Email at david@davidwhitburn.com

To,

Mr. David Whitburn

Owner www.davidwhitburn.com

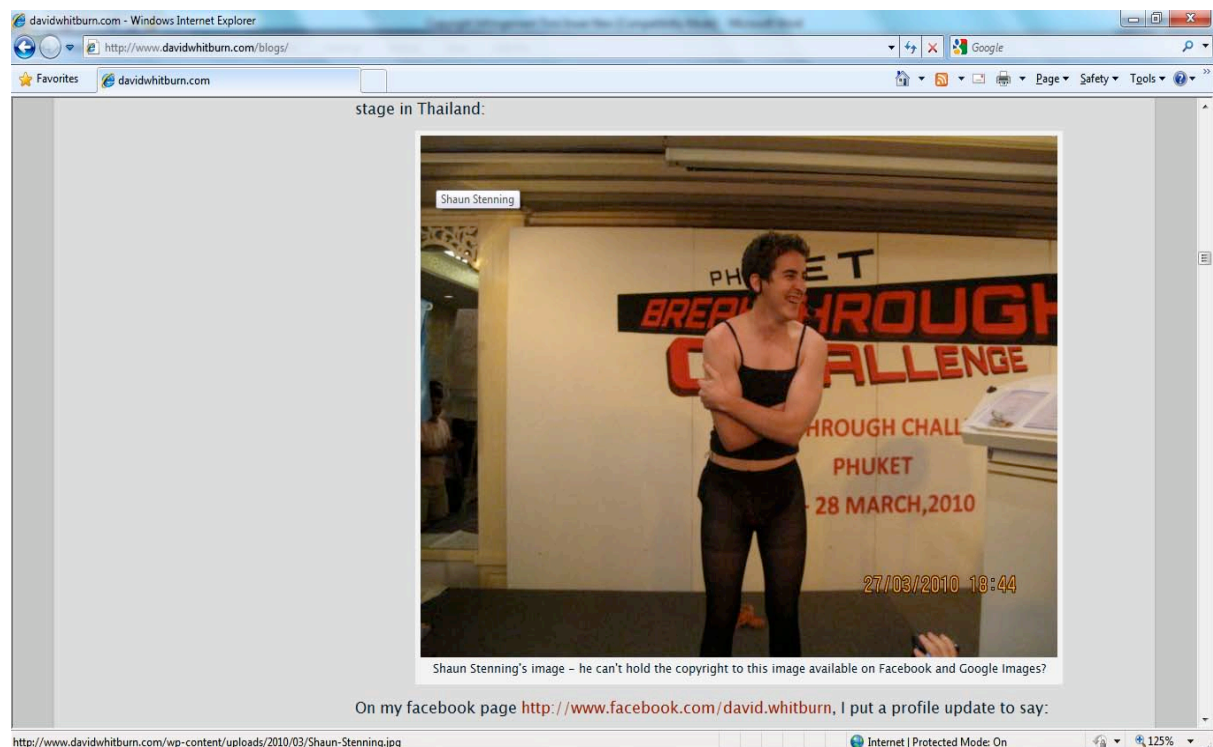
Sub: Defamation Notice

Dear Mr. Whitburn,

This letter/ email is in furtherance to the Copyright Infringement Notice dated 30 March 2010 in relation the unauthorised display of my image captioned "Shaun Stenning's Image" ("Infringed Image"), displayed at your Blog under the blog post titled "**Tax Liens & Deeds – A Trip Down Distraction Lane**" dated March 25, 2010, located at URL <http://www.davidwhitburn.com/blogs/>.

I appreciate that you have removed the defamatory content made against me from the footer of the image. However, I was surprised to see another caption below the image worded, "**Shaun Stenning's image - he can't hold the copyright to this image available on Facebook and Google Images?**"

Please refer to the below screenshot of your blog, dated 31st March, 2010:



I would like to inform you that Infringed Image was taken by Mr. Doni Irawan in Thailand during an event held in Phuket on my directions. I hold the exclusive Copyright, title and interest to the Infringed Image and I am the exclusive owner of this Infringed Image. Your use, display and dissemination of the Infringed Image through your blog, without my prior permission amounts to Copyright Infringement in terms of national and international Copyright laws.

The statement, "Shaun Stenning's image - he can't hold the copyright to this image available on Facebook and Google Images?", that you have mentioned below the Infringed Image does not give you any alleged right to publish the image, without my prior consent.

By publishing the image on Facebook or Google Image, I have neither granted any rights to the general public to use the Infringed image for any purpose nor waived of my Copyrights therein. Mere availability of the Infringed image through internet does not give you any right to use or publish it for your personal gains, and particularly when you use or publication is for your commercial benefits.

Clause 11.1 of the "Terms of Use" (at <http://www.google.com/accounts/TOS>) of Google Services is relevant to be mentioned here, which states:

"11.1 You retain copyright and any other rights you already hold in Content which you submit, post or display on or through, the Services. By submitting, posting or displaying the content you give Google a perpetual, irrevocable, worldwide, royalty-free, and non-exclusive licence to reproduce, adapt, modify, translate, publish, publicly perform, publicly display and distribute any Content which you submit, post or display on or through, the Services."

Therefore, it is clear that even Google is bound by Copyright laws and is bound to protect the Copyrights of owner of a Copyright material. You being a qualified Law Degree Holder, I expected a better response and understanding on this issue. However, I must say that I am disappointed.

In view of your failure in taking appropriate remedial steps and acknowledging the receipt of my previous notice, I now demand that you comply with the following directions by no later than 5:00 p.m. GMT, April 1, 2010.

1. Disclose to me how the Infringed Image was obtained and reproduced, including the links to Google Images and Facebook and all use types, quantity or circulation as applicable, length of your use, and territory.
2. Immediately cease and desist from any current or pending uses of image, including but not limited to displaying the image on your blog or website and other printed materials.
3. Investigate the apparent use of this image on your blog and instruct all of your employees and independent contractors to immediately cease copying, distributing, modifying, displaying, or otherwise using any and all copies of the infringed image.
4. Provide me a written assurance that you have removed the infringed image from your blog <http://www.davidwhitburn.com/blogs/> and from all and any other website/ blog owned by you, where you have published the infringed image. Kindly confirm no later than 5:00 p.m. GMT, April 1, 2010 that you

have taken the required action, and that you will refrain from any and all such actions in the future. You may contact me at newdeal@surefiremarketing.com.au

I am hopeful that you will co-ordinate with me to resolve this matter in an amicable manner. However, if you fail to comply with above directions, I will be constrained to take appropriate legal action necessary to protect my valuable intellectual property rights, which may include a claim for interlocutory injunction.

I look forward to your prompt response.

Regards

Shaun Stenning