

Image Received:

Subject: Fwd: Notice under the DMCA

From: [REDACTED]

Begin forwarded message:

> From: [REDACTED]@aol.com
> Date: April 20, 2005 3:19:49 PM PDT
> To: [REDACTED]@archive.org
> Cc: [REDACTED]@aol.com
> Subject: Notice under the DMCA
>
>
> Dear [REDACTED]:
>
> As we discussed, as far as the copyright infringements go, the
> attached notice is being
> made pursuant to the Digital Millinium Copyright Act and as I
> understand you are
> Internet Archive's DMCA agent. I can attest that the materials
> reflected by the
> URLs attached were previously removed from several websites, not only
> in the
> United States but also in countries outside the U.S.
>
> I understand that the removal must be done manually but ask for
> your help
> in expediting the removal of these infringements as quickly as
> possible. We know that your
> archive is being used and disseminated to others as a place to obtain
> copies of our clients' works.
>
> If you need anything further, please do not hesitate to contact
> me.
>
> Sincerely,
> [REDACTED]
> Moxon & Kobrin
> [REDACTED]
>
> Los Angeles, California 90010
> Tel: [REDACTED]
> Fax: [REDACTED]
>
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> Dear [REDACTED]:
> As you may recall I have written to you in the distant past on behalf
> of our client,
> Religious Technology Center ("RTC"), a non-profit religious
> corporation located
> in Los Angeles, California, with respect to intellectual property
> matters. RTC is
> the owner of the confidential Advanced Technology of the Scientology
> religion
> and the holder of exclusive rights under the copyrights applicable to
> the Advanced
> Technology materials. The Advanced Technology materials are
> confidential,
> unpublished, copyrighted works which include, among others, the
> individual
> works comprising levels known as "OT II," "OT III," "NOTs," "Class
> VIII Assists
> lecture" and "Power." These works are registered with the United
> States Copyright
> Office under registration numbers: TXu 257-326; TXu 303-388; TXu 290-
> 496;
> TXu 593-514; and TXu 303-386. RTC is also the owner to the trade and
> service
> marks of the Scientology religion.
> Our office also represents Bridge Publications, Inc. ("BPI"),
> exclusive licensee of
> the copyrights to the published works of the Scientology religion,
> which includes
> numerous books and tapes and tape transcripts.
> We have been advised that there are a substantial number of our
> clients'
> copyrighted works contained in your archive. Because of the volume of
> infringements, the URLs where these can be found are attached to this
> notice.
> Copies of our client's copyrighted works in your archive violates
> United States
> copyright law. Accordingly, we ask for your help in removing these
> materials.
> Our clients have obtained numerous permanent injunctions concerning
> Internet
> infringements of this and similar works. In RTC v. Lerma, Case No.
> 95-1107-A,
> the court ruled in favor of RTC, permanently enjoining the defendant
> infringer
> from posting on the Internet, the same OT III work that is the subject

> of this letter.
> A jury in the United States District Court in San Jose, California
> assessed damages
> in the amount of \$75,000 against a [REDACTED] for copyright
> infringement, for
> posting another of RTC's NOTs works on the Internet. [REDACTED] was
> also
> permanently enjoined by the court against further infringements. Three
> other
> United States courts have issued permanent injunctions against Internet
> infringements of these and related works.
> There are also a number of RTC's trademarks in your archive, which
> include the
> Scientology Symbol; Scientology Cross; Dianetics Symbol; Division 6
> Symbol;
> OT Symbol; Signature of L. Ron Hubbard; Sea Org Symbol; Church of
> Scientology International Corporate Symbol.
> These are registered with the United States Patent and Trademark
> Office under the
> following registration numbers: 1727436; 1280999; 1296040; 1646324;
> 1302525;
> 1012452; 1325117; 0687990; 1731257; 1368281; 1318642; 1736320; 1723622;
> 1776443; 1777809; 1677106; 1296039; 1295115; 1296995; 1419966; 1785901;
> 1821751; 1334758; 1326867; 0877948; 1317343; 1534234; 2056778; 1954851;
> 1822667; 1158638; 1637087; and 2007708.
> These trademarks are also set forth under the URLs which are attached
> to this
> notice.
> The use of these registered trademarks in this fashion has caused your
> name to be
> falsely associated with our client's registered marks as owner and
> creates a
> likelihood of confusion as to the source or sponsorship of your
> website in
> violation of United States state and federal law, including the Lanham
> Act, 15
> U.S.C. 1125(a).
> Likewise, our client's trademarks are famous, distinctive and unique.
> The use of
> the marks in this manner dilutes and tarnishes the distinctiveness of
> the marks in
> violation of the federal trademark antidilution statute, 15 U.S.C.
> 1125(c) and
> California's antidilution statute, California Bus. & Prof. Code
> 14330. See,
> Archdiocese of St. Louis v. Internet Entertainment Group, Inc., 34
> F.Supp.2d 1145
> (E.D. Mo. 1999); Mattel, Inc. v. Internet dimensions, Inc., 55
> U.S.P.Q.2d 1620
> (S.D.N.Y. 2000); Deere & Co. v. MTD Products, Inc., 41 F.3d 39, 43
> (2nd Cir.
> 1994); Century 21 Real Estate Corporation v. Sandlin, 846 F.2d 1175
> (9th Cir.
> 1988); Grey v. Campbell Soup Company, 650 F.Supp. 1166 (D.C. Cal.
> 1986).
> The use of our client's marks in this manner also constitutes an
> unlawful false
> designation of origin and as such, violates 43(a) of the Lanham
> Trade-Mark
> Act. This prohibits any use of another's trademarks that is "likely

> to cause
> confusion, or to cause mistake, or to deceive as to the affiliation,
> connection, or
> association of such person with another person, or as to the origin,
> sponsorship, or
> approval of his or her goods, services, or commercial activities by
> another person."
> America Online, Inc. v. IMS, 24 F.Supp.2d 548, 551 (E.D.Va. 1998). See
> also,
> OBH, Inc. v. Spotlight Magazine, Inc., 86 F.Supp.2d 176 (W.D. New York
> 2000);
> (trademark infringement and trademark dilution found against infringer
> for use of
> registered trademark to divert Internet users to his web site); In
> accord, People for
> the Ethical Treatment of Animals v. Doughney, 263 F.3d 359 (4th Cir.
> 2001).
> Accordingly, we ask your help in removing our client's trademarks
> from your
> website.
> I have a good faith belief and in fact, know for certain, that the
> posting of these
> works through your system was not authorized by my clients, any agent
> of my
> clients, or the law.
> I declare under penalty of perjury that this information is accurate
> and that I am
> authorized to act on behalf of RTC and BPI in this matter.
> I appreciate your help and prompt attention to this matter.
> Sincerely,
> [REDACTED]
> Moxon & Kobrin
> [REDACTED]
> [REDACTED]
> Los Angeles, California 90010
> Tel: [REDACTED]
> Fax: [REDACTED]

(ImageID 1777)
edit link:
Related to: Notice 1899

(ImageID 1778)
edit link:
Related to: Notice 1899