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January 28, 2019

VIA CERTIFIED MAIL
and EMAIL legal@wikimedia.org

Eileen Hershenov
Designated Agent
Wikimedia Foundation c/o CT Corporation System
818 West Seventh Street
Los Angeles, California 90017

Re: Amended DMCA Takedown

Ms. Hershemov:

I represent Simon J. Burchett Photography, Inc. Owner of the following copyrighted images, U. S. Copyright Registration VA2-019-846 (attached as **Exhibit A**):

Image 1 – Estelle Maersk



Image 2 – Estelle Maersk



This is the third and final demand the following links containing infringing images be disabled from Wikipedia Commons.

The following links contain my client's copyrighted images:

- https://commons.wikimedia.org/wiki/File:Estelle_Maersk.jpeg
- [https://commons.wikimedia.org/wiki/Category:Estelle_M%C3%A6rsk_\(ship,_2006\)#/media/File:Maersk_2011-0923_1316804100_\(6955076278\).jpg](https://commons.wikimedia.org/wiki/Category:Estelle_M%C3%A6rsk_(ship,_2006)#/media/File:Maersk_2011-0923_1316804100_(6955076278).jpg)
- [https://commons.wikimedia.org/wiki/Category:Estelle_Mærsk_\(ship,_2006\)#/media/File:Estelle_Maersk.jpeg](https://commons.wikimedia.org/wiki/Category:Estelle_Mærsk_(ship,_2006)#/media/File:Estelle_Maersk.jpeg)
- [https://commons.wikimedia.org/wiki/File:Maersk_2011-09-23_1316804100_\(6955076278\).jpg](https://commons.wikimedia.org/wiki/File:Maersk_2011-09-23_1316804100_(6955076278).jpg)
- [https://commons.wikimedia.org/wiki/Category:Estelle_M%C3%A6rsk_\(ship,_2006\)Two_thumbnail_Images...Estelle_Maersk.jpeg](https://commons.wikimedia.org/wiki/Category:Estelle_M%C3%A6rsk_(ship,_2006)Two_thumbnail_Images...Estelle_Maersk.jpeg) 1,024 × 683; 449 KB and [Maersk_2011-09-23_1316804100_\(6955076278\).jpg](https://commons.wikimedia.org/wiki/File:Maersk_2011-09-23_1316804100_(6955076278).jpg) 612 × 612; 105 KB

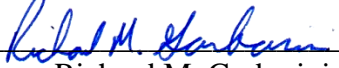
After careful consideration, no fair use, fair dealing, or similar exception applies to the above. This is an official notification under Section 512(c) of the Digital Millennium Copyright Act ("DMCA"), and, I demand the removal of the aforementioned infringing material from your Wikipedia Commons. I also request you immediately notify the infringers of this notice and inform them of their duty to remove the infringing material immediately, and notify them to cease any further posting of infringing material to your server in the future.

Also be advised that the law requires Wikimedia Commons, must, as a service provider, remove or disable access to the infringing material upon receiving this notice. Under the DMCA, Wikimedia Commons enjoys immunity from a copyright lawsuit provided that they act with deliberate speed to investigate and rectify ongoing copyright infringement. If it fails to investigate and remove or disable the infringing material, that immunity is lost. Therefore, in order for Wikimedia Commons to remain immune from a copyright infringement action, it must investigate and ultimately remove or otherwise disable the infringing material identified here from your servers with all due speed. We will file an action regarding this matter in fourteen (14) days.

I am providing this notice in good faith with the reasonable belief that my rights are being infringed. Under penalty of perjury, I certify that the information contained in the notification is both true and accurate.

Should you wish to discuss this matter, I am available at 212.300.5358.

GARBARINI FITZGERALD P.C.

By: 
Richard M. Garbarini

Encl.