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Law Firm

Intellectual Property Law

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Reference no. 2994

Wikimedia Foundation, Inc
1 Montgomery Street
San Francisco - 94104 (CA) - USA
Via email: legal@wikimedia.org

16/07/2020

CEASE AND DESIST LETTER
(Copyright Infringement)

For settlement purposes only – Not admissible as evidence

Dear Wikimedia Foundation, Inc,

our Law Firm act for **Sime s.r.l.**, an Italian Picture Agency with registered office in Conegliano (TV - Italy), Viale XXIV maggio, 120 (partita IVA no. 03844270268).

The author of the photographic work (**Giovanni Simeone**) has a contract with Sime s.r.l. and therefore **Sime s.r.l. (and its partners) is the only one can license and use worldwide the photographic work** you have used in your website *scn.wikipedia.org*.

The webpages where the photographic work was used are, respectively:

scn.wikipedia.org/wiki/Cucina_siciliana

scn.wikipedia.org/wiki/File:Vuccir%C3%ACa.jpg

scn.wikipedia.org/wiki/Abbanniata

scn.wikipedia.org/wiki/Vanniata

scn.m.wikipedia.org/wiki/Abbanniata

Sime s.r.l. company website has numerous copyright notices – including on the page where the photographic work was originally published (and on a legible watermark on the photographic work) itself, as you can see at this URL:

www.simephoto.com/index.php/src#/SIM-034421

Sime s.r.l. takes the enforcement of its copyrights seriously and will use all legal means available to protect its rights. **Sime s.r.l. has not licenses issued for your website, therefore the use of the is not authorized by Sime s.r.l. that actually is the copyright owner of the photographic work in question; so if the license has been purchased**

please send us the invoice and we will verify your position.

If you have not licenses, the uses of the photographic work constitute copyright infringement and is in violation with Italian Copyright Law (L. 633/1941) and International Copyright Convention (e.g. Berne Convention), so we hereby demand that you

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from any further use of the photographic work and provide an accounting of all your uses of the photographic work.

Copyright infringement is a strict liability offense, and you are responsible for any infringing act regardless of intent. Although you may stop using the photographic work, you remain liable for past infringement.

After saving the web pages with a certain date, we are willing to provide you an opportunity to settle these claims for € 1.000,00, to be sent **within ten 10 days of receipt of this letter**. This amount represents an offer of settlement but does not reflect the damages Sime s.r.l. may seek in a court proceeding pursuant to Italian and International Copyright Laws. Instead, this settlement offer reflects what Sime s.r.l. will accept if no further actions against you are necessary. If you do not accept this offer, then we reserve the right to seek the maximum available damages under the law, which far exceed this amount.

We specify that only the removal of the image will not be sufficient to close the dispute.

Be advised that if you are unwilling to resolve this matter as noted above, I may initiate formal international litigation at any time without further notice to you. This letter is without prejudice to my rights and claims, which are expressly reserved.


In case of failure to reply to this email we will send a certified mail with higher costs to your charge.

The information in the notification is accurate, and under penalty of perjury, we are authorized to act on behalf of the Sime s.r.l. the copyright owner.

We appreciate your timely response.

Sincerely yours,

Avv. Domenico RAFFAELE ADDAMO



(Lawyer)¹

¹ You can find all the references to my profession as a Lawyer or on the [European Lawyer Search Portal](#) or on the portal of the [Italian National Forensic Council \(C.N.F.\)](#) by entering my name "Domenico" and my surname "Raffaele Addamo".