

# Euro Legal Counsel Group

AVOCATS AU BARREAU DE PARIS – ATTORNEYS AT LAW

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Randy YALOZ  
Founding & Managing Partner  
Member of the Paris, New York & New Jersey Bars

Adjunct Professor of European Intellectual Property at the New York Law School  
Adjunct Professor at the Law School of Versailles, France and University of Paris XIII  
Juris Doctor and L.L.M. in E.C. Law with specialization in Intellectual Property

Alexis GRAIL  
Member of the Paris Bar

## WITHOUT PREJUDICE

LIBERTY MANIACS  
100 5th Ave S,  
Sauk Rapids  
MN 56379  
United States

*Paris, 30<sup>th</sup> August 2019*

Via international registered letter No. RK 15 536 653 9 FR

Our references: LEGENDE GLOBAL – DIAZ LOPEZ / LIBERTY MANIACS

**Re: Formal Notice**

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Dear Sir or Madam,

We represent Mrs. DIAZ LOPEZ and the company LEGENDE GLOBAL in this matter, for the purposes of which we are serving you this cease and desist notice of copyright infringement.

The Cuban photographer Alberto DIAZ GUTIERREZ, also known as KORDA, is the author of the worldwide famous photograph of the Cuban leader, Ernesto “Che” Guevara, which is an original photographic work of art entitled “*Guerillero Heroico*” and more commonly known under the name of “*Che with beret and star*” (hereinafter referred to as the “**Work**”, see **Exhibit no.1** attached hereunder below).

Mrs. Diana Evangelina DIAZ LOPEZ, who is KORDA’s daughter and sole heir, is the exclusive owner of all moral rights on the Work. The company LEGENDE GLOBAL is the exclusive worldwide owner of all commercial rights of the Work.

It has come to our attention that, without the authorization of any of our clients, the website <https://libertymaniacs.com>, has illicitly promoted, sold and distributed products which unlawfully reproduce, represent and modify KORDA’s original Work, without mentioning KORDA’s name (the “Litigious Products”). (**Exhibit no.2**).

KORDA’s Work was unlawfully reproduced without mentioning his name on your social media or on your website. As you have failed to seek authorization or license from our clients, this

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**Randy Yaloz S.E.L.A.R.L.**

**Capital: 1,000,000 Euros**

**Euro Legal Counsel Group <sup>TM</sup>**

**Correspondent Offices: New York - Tel-Aviv**

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REGLEMENT DES HONORAIRES PAR CHÉQUE

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constitutes a clear infringement of our clients' exclusive copyright and moral rights on the Work and a violation of articles L. 121-1 and L. 122-4 et seq. of the French Intellectual Property Code.

Such copyright infringement undermines our clients' commercial and moral rights on this Work and has caused, and continues to cause, considerable damages which our clients have wrongfully sustained. Such damages are further aggravated by the continuous promotion, distribution and sales you make under the name "Liberty Maniacs" on your social media.

THEREFORE, on behalf of our clients, in order to avoid litigation, which would necessarily be public, and in favor of an amicable solution, we immediately request you:

- i) to immediately cease and desist from any use, in any way whatsoever, of the Work, directly or indirectly, in whole or in part, from any reproducing, selling, distributing of the Work;
- ii) to produce, within fifteen (15) days, all accounting, commercial, financial and any other documents relating to the number of infringing products, distributed and/or sold on the website <https://libertymaniacs.com> along with the effective period of sales of the Litigious Product, such sales' invoices, all purchase orders, invoices (*customs documents*) relating to the past, current and future sales of the Litigious Products, in order to establish the extent of the damage incurred by our clients as a result of this infringement;
- iii) to further detail and describe, within fifteen (15) days, all the uses of the infringing products and all the uses of the Work (online and offline if applicable) made by <https://libertymaniacs.com>;
- iv) To recall, within fifteen (15) days from the receipt of the present letter, all the Litigious Products from all your buyers. You are requested to inform all buyers within seventy-two (72) hours of this withdrawal, by email and registered letter with acknowledge of receipt, and send us a copy. As part of this recall, you will have to proceed with the repatriation of all the Litigious Products within your warehouse, an inventory of all the recalled Litigious Products and/or in stock with bailiff, and subsequently with the destruction of all the Litigious Products to be established by bailiff, which would have to be at your expense and a copy of the report must be sent to us within forty-five (45) days from receipt; and
- v) to enter into negotiations towards a settlement for the financial and moral damages incurred by our clients for the disposal of the remaining stock of infringing products

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**Randy Yaloz S.E.L.A.R.L.**

**Capital: 1,000,000 Euros**

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REGLEMENT DES HONORAIRES PAR CIIÈQUE

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Should you allege that any of the Litigious Products are actually licensed products, please send us all supporting evidence thereof (including invoices of the purchase).

In the absence of a reasonable settlement proposal relating to the above-mentioned commercial and moral damages and of compliance with other requests hereby notified, **within their respective time limits, we have been instructed by our clients to use any and all legal means and measures to defend our clients' intellectual property rights**, including, without limitation, legal action for injunctive relief or to recover damages without further notice to you.

You must thus consider this letter as a formal legal notice with the running of time periods, interest and other consequences and effects that French law, in particular article 1344-1 of the French Civil Code, and French courts give to formal legal notices.

Neither this letter nor any act and omission, whether in writing or otherwise, by or on behalf of our clients or by their attorneys shall constitute any waiver or any course of conduct or dealing of any kind, unless otherwise agreed to in writing in advance.

Our clients expressly reserve all of their rights and actions.

We remain at your attorney's disposition to discuss this matter.

Yours sincerely,



Randy YALOZ  
Attorney at law

## List of Exhibits:

- Exhibit No.1. Original photographic work of art entitled "Guerillero Heroico"
- Exhibit No.2. Litigious Product on the website <https://libertymaniacs.com>
- Exhibit No.3. Litigious Product on the social media Facebook

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