

KENDRICK L. MOXON
HELENA K. KOBRIN
AVA PAQUETTE

ALSO ADMITTED in
THE DISTRICT OF COLUMBIA
ALSO ADMITTED IN
FLORIDA

MOXON & KOBRIN
ATTORNEYS AT LAW
3055 WILSHIRE BOULEVARD
SUITE 900
LOS ANGELES, CALIFORNIA 90010
TELEPHONE (213)487-4468
TELECOPIER (213) 437-5385

OF COUNSEL

JEANNE M. GAVIGAN

November 14, 2005

Administrator
Free SAS:[xxxx
xxxxxxxxx]
75008 Paris,
France

Re: Unauthorized Use of Copyrighted Materials and Trademarks

Dear Sir/Madam:

Our office represents Religious Technology Center ("RTC"), New Era Publications, Inc. ("NEPI"), Church of Scientology International ("CSI") and the L. Ron Hubbard Library, non-profit religious corporations regarding intellectual property matters.

We are writing this letter pursuant to Articles 4 and 12.1 of Online's General Conditions of Use, which prohibits the use of its services to transmit "material protected by intellectual, literary or artistic rights" and which provides for cancellation or suspension of the service should its services be used to "reproduce and distribute data protected by copyright."

Your client, Roger Gonnet, is currently using your system to transmit our clients' copyrighted works and trademarks in contravention of French copyright and trademark law, as well as Article 4 and 12.1 of Online's Conditions of Use policy. We have attempted to handle this matter with your subscriber, but he refuses to remove our clients' copyrighted works and trademarks. This is why we are now writing to you and asking for your help in removing these infringements from your website.

To assist you in this matter, we have put together a chart setting forth the URLs where each of these infringements is located, as well as identifying the owner of each copyrighted work and trademark.

Identification of Copyrighted Works

I, Identification And Location of Infringing Works (Photographs) Nos. 1 - 5

<u>Description</u>	<u>URL</u>
1. Untitled photograph of group by a helm	http://www.antisectes.net/photoSS.jpg
2. Untitled photograph of a man's face	http://www.antisectes.net/hublard.jpg
3. Untitled photograph of a young boy on a horse	http://www.antisectes.net/secret03.jpg
4. Free Personality- Test web site banner	http://www.antisectes.net/Ocabnnr2.gif
5. The Way to Happiness International's site banner	http://www.antisectes.net/twth-emergency-bulletin.jpg

II. Identification of Copyrights of The Photographs In 1 - 5 Above

The infringements set forth in Nos, 1 through 5 above are taken from various publications, the copyrights of which belong to our clients. Below is a description of the publications in which each of the photographs is contained in the same order as listed above.

<u>Description</u>	<u>Publication</u>		<u>Page</u>
	<u>Issue</u>	<u>Date</u>	
1. <u>Highwinds</u> : Magazine of the Sea Organization	19	1996	11
2- <u>Images of a Lifetime</u> : A Photographic Biography [of L. Ron Hubbard]		1996	278
3. <u>Ron: Adventurer/Explorer</u> . Daring Deeds and Unknown Realms		1996	
4- <u>Free Personality Test</u> ad banner		6	

(Taken from the official *Scientology* web site
<http://www.scientology.net>)
The Way to Happiness web site banner
(Taken from the official *The Way to Happiness* web site
<http://www.thewaytohappmess.org>)

III. Identification of Infringing Works (Documents) **Nos, 6-18**

<u>Description</u>	<u>URL</u>
6. "Targets, Defense"	http://www.antisectes.net/targets.htm
7. "Ministerial Ordination", "Ministerial Qualifications" and "Religion"	http://www.antisectes.net/minister-course.htm
8. "Confessionals - Ethics Reports Required" and "Returning Tours Confessional"	http://www.antisectes.net/confess.htm
9. "Antibiotics, Administration of"	http://www.antisectes.net/antibiotics.htm ; http://www.antisectes.net/ medecine~antibio.htm
1.0. "Offenses and Penalties"	http://www.antisectes.net/ethics- intro.htm
11. "The Responsibilities of Leaders"	http://www.antisectes.net/bolivar.htm
12. "The Scientologist A Manual on the Dissemination of Material"	http://www.antisectes.net/ability.htrn
13. "Religious Services Enrollment Application / Agreement and General Release"	http://www.antisectes.net/honte3- eng.htm
14. "Principles of Government"	http://www.antisectes.net/tax.htm
15. "Definition of Intelligence"	http://www.antisectes.net/os9.htm

Administrator
November 14, 2005
Page 4

16. "The Genus of Insane Governments" <http://www.antisectes.net/os17.htm>
17. "Why Government Attacks Religion" <http://www.antisectes.net/os18.htm>
18. "Wilful False Reports" <http://www.antisectes.net/os19.htm>

**IV. Identification of Copyrights to the Infringing Works
(Documents)
Nos. 6-18**

<u>Description</u>	<u>Registration Nbr</u>
6. HCO Policy Letter of 16 February 1969, "Targets, Defense"	TXu 598-760
7. Founding Church Policy Letter of 20 March 1957, "Ministerial Ordination"	A 599-6.55; TX 2-238-609; A 606-465; RE 490-480
HCO Policy Letter of 15 August 1957 "Ministerial Qualifications"	
HCO Policy Letter of 29 October 1962 "Religion"	
8. HCO Bulletin of 10 March 1982 "Confessionals - Ethics Reports Required"	TX 3-090-515
HCO Bulletin of 5 November 1980 "Returning Tours Confessional"	
9. HCO Bulletin of 29 March 1975 "Antibiotics, Administering of"	TX 2-250-378
10. HCO Policy Letter of 7 March 1965 "Offenses and Penalties"	TX 2-234-443; RE 631-262

Administrator
November 14, 2005
Page 5

11. HCO Policy Letter of 12 February 1967 "The Responsibilities of Leaders" TX 3-053-182; A 599-650; TX 2-238-614
- 1a, Ability Major 1 "The Scientologist - A Manual on the Dissemination of Material" A 785-006; TX 2-478-863
- 13- CSI is the owner of the copyrights to this agreement, published in 1992.
- 14 -18 These are unpublished copyrighted works, the copyrights of which belong to the L. Ron Hubbard Library,

V. Identification of Unpublished Confidential Works
Nos. 19-27

RTC is also 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 unpublished, copyrighted works. RTC's works include, among others, the individual works comprising levels known as "OT I," "OT III" and "NOTs". These works are registered with the United States Copyright Office under registration number: TXu 303-382; TXu 290 496; and TXu 257 326 and 257527-

Mr. Gonnet has placed these works on Online-s website under the following URLs;

1. <http://www.antisectes.net/notes2.htm>
2. <http://www.antisectes.net/pts.htm>
3. <http://www.antisectes.net/notes34-critique.htm>
4. <http://www.antisectes.net/notes1.htm>
5. <http://www.antisectes.net/ot1.htm>
24. <http://www.antisectes.net/42xenub-eng.pdf>
25. <http://www.antisectes.net/42xenub.pdf>

RTC has obtained numerous permanent injunctions concerning Internet infringements of these very works. For instance, a Swedish court enjoined a

Administrator
November 14, 2005
Page 6

defendant who infringed this same work (among others), in addition to finding that his actions in placing our client's copyrighted works on the Internet violated the owner's rights under Swedish copyright law. He was also fined for his illegal actions and ordered to pay \$161,000 in litigation costs. Thereafter, this same infringer was separately found guilty of criminal violations of the copyright act with respect to RTC's materials.

Similar results have been reached in the United States. 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 NOTs 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 Mr. Henson for copyright infringement, for posting another of RTC's "NOTs" works on the Internet. Mr. Henson 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.

VI. Unauthorized Use Of Registered Trademarks

RTC is also the owner of the trademarks and service marks of the Scientology religion. RTC's federally registered trademarks have also been placed on the "<http://www.antisectes.net>" web site, without RTC's authorization as follows:

1. The Scientology Symbol which is registered with the United States Patent and Trademark Office under registration numbers 1727436,1280999,1296040 and 1646324. <http://www.antisectes.net/symbol.gif>
<http://www.antisectes.net/source-psychs.jpg>
<http://www.antisectes.net/chartpro.jpg>

The Scientology Symbol is also registered in France under registration numbers 92443538; and 1253252.

2. The Scientology Cross which is registered with the United States Patent and Trademark Office under registration numbers 1,012,452; 1,302,525 and 1,325,117. <http://www.antisectes.net/avidadollar.gif>
<http://www.antisectes.net/croixavi.jpg>

The Scientology Cross is also registered in France under registration numbers 1212029; 1325165; 1212029; 1554527; and 1587477.

3. L. Ron Hubbard Signature which is registered with the United States Patent and Trademark Office under registration number 1,821,751. <http://www.antisectes.net/secret02.jpg>

The L. Ron Hubbard Signature is also registered in France under registration number 1253253,

With regard to your client's transmission of our client's trademarks, I refer you to L712-11 of the Code de la Propriete Intellectuelle. Also, trademark rights subsists in France in our client's trademarks by virtue of the Paris Convention (to which France and United States are signatories) which provides that United States citizens shall be given the same treatment in France with regard to trademark protection as that available to French citizens.

VII. European Directive

The European Parliament and the Council's adoption of Directive 2000/31/EC within the last several years evidences the Council's intent in holding an access provider liable if it has notice of infringing activity occurring on its web site and yet does nothing to remove or disable access to the materials. Specifically, Article 14 of this Directive provides that the access provider is liable for the information stored at the request of a recipient of the service, if he has actual knowledge of illegal activity and information or is aware of facts or circumstances from which the illegal activity or information is apparent and upon

Administrator
November 14, 2005
Page 8

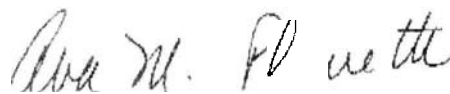
obtaining such knowledge or awareness, the provider does not act expeditiously to remove or disable access to the information. It is our understanding that France has incorporated this Directive into French law under Chapter II, Article 6 of the Freedom of Communication Online law enacted June 21, 2004.

VIII. Conclusion

Accordingly, we ask for your help in removing these copyrighted works and registered trademarks from your website.

I appreciate your prompt attention to this matter.

Very truly yours.

A handwritten signature in cursive script that reads "Ava M. Paquette".

Ava M. Paquette

AMP:gs