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# **FWB**

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September 14, 2016

Via Federal Express- 777229633920

Mr. Henry Springer  
33 Summer Trees Road  
Port Orange, FL 32128

**RE: SUMMER TREES HOMEOWNERS ASSOCIATION, INC. (the "Association")  
OUR FILE NO. 13624.032**

Dear Mr. Springer:

As you are aware, I represent the Association.

The Association is in the business of managing the Association's property. Part of this involves notifying members and residents of various events and important information through the Association's newsletter, the Town Crier. The Town Crier, as well as other official documents of the Association such as its minutes, budget and rules and regulations, are considered to be copyrighted materials under United States law.

Federal law provides that a work becomes copyrighted upon creation. A copyright gives the copyright owner the exclusive right to:

- reproduce the copyrighted work in copies or phonorecords;
- prepare derivative works based upon the copyrighted work;
- distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- perform the copyrighted work publicly in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures;
- display the copyrighted work publicly in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work; and
- perform the copyrighted work publicly by means of a digital audio transmission in the case of sound recordings.

7805 S.W. 6th Court • Plantation, FL 33324  
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It has come to our attention that you have posted the Association's copyrighted material to your websites, popdradio.org and newsofsummertreeswesthoa.wordpress.com. I have attached a copy of a sample page containing copyrighted material for your review. By posting the copyrighted material on your webpage, you have violated my client's exclusive right to reproduce the copyrighted work.

The use of the Association's copyrighted materials without a valid license from the Association is considered copyright infringement in violation of US Copyright Law. Your intentional copying of these materials without the Association's permission is a willful act of infringement and creates the prospect of significant liability under US Copyright Law. Federal law provides that the Association may be entitled to up to \$150,000 for each willful act of copyright infringement, temporary and permanent injunctive relief, plus the attorneys' fees and costs incurred in pursuing an action against the infringers, regardless of your intent or knowledge of whether the Association's material were copyrighted.

Accordingly, the Association demands the following written assurances within seven (7) days from the date of this letter:

- that you will immediately cease and desist all use (and agree to refrain from re-commencing use) of any of the Association's copyrighted materials; and
- that you agree to remove from all pages on every site operated by you any Association copyrighted material.

Furthermore, the Association demands that you pay royalties to the Association in the amount of \$1,000 per use of the Association's copyrighted materials. The mere removal of the posts is not sufficient to purge yourself of liability on this issue.

If you fail to provide the Association, through the undersigned, with written assurances of the above on or before close of business on September 21, 2016, as well of payment of the royalties due, I will recommend that my client file suit against you in federal court for temporary and permanent injunctive relief, statutory damages in the amount of \$150,000 per use of the Association's copyrighted material, other damages, and attorneys fees and costs.

In addition to the foregoing, you are using the name "NEWS OF SUMMER TREES WEST" in your blog name and URL. This is unacceptable. The Association owns a trademark in its own name; by using it you are giving the public the impression that you are the official news outlet for the community. You may not use the name SUMMER TREES WEST in any shape or form with respect to any of your blogs.

We are also concerned that you are apparently infringing on the rights of numerous other copyright holders by posting cartoon images and excerpts from other websites (and, given your disregard for the Association's copyrights, I am relatively sure you do not have the copyright holder's permission to do so). Without express written permission to use copyrighted material, it may give the public the impression that the Association has



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endorsed your infringement of these materials, and may subject the Association to potential liability. Therefore, my client strongly encourages you to purge your blogs and social media accounts of any and all copyrighted materials that infringe on the rights of third parties.

If you wish to continue using the Association's copyrighted material, my client would consider granting you a license to continue to use the Association's copyrighted material at a competitive and attractive royalty rate, after the Association receives the written assurances as described above and payment of the above royalties.

GOVERN YOURSELF ACCORDINGLY.

Sincerely,

FRANK, WEINBERG & BLACK, PL



Joel Martin McTague, Esq.  
For the Firm

cc: Client  
Leanne B. Wagner, Esq.