

Pedro P. Polakoff III

From: Pedro P. Polakoff III
Sent: Friday, September 21, 2007 12:36 PM
To: 'Wildin' Out'
Cc: Anthony J. DiMarino III (ajd@dimarinolaw.com)
Subject: RE:RE: Photos & Phone conversation @ 6:34pm EST
Signed By: ppp3@3ps.com

Importance: High

Denis,

As I very clearly explained in our phone conversation the mere removal of some of the images does not negate the damages already done nor the fact that you also printed those images and distributed them in your flyers. By making those images available for download, with your information covering my copyright, you have effectively spread an average of 50 copies of each image publicly.

By doing so you have:

- A) Taken from me a minimum of \$1,200 to a potential of \$67,590 in residual sales over & above the \$400 shooting fee which I was not paid.;*
- B) You have marred my reputation in the fashion industry because I now have models & potential clients accusing me of stealing my own work from you when they look at my portfolios compared to what the search engines have gathered & cached in the three months that you have been distributing my photos as your own.;*
- C) You have taken clients from me who now question my standard methods of distributing images to them, and my rates, expecting that they too will obtain ownership of my work.*

*You did all of this with **NO COMPENSATION** to me as the copyright holder & owner of the images.*

Additionally:

- A) You did **NOT OBTAIN PROPER LICENSING** from me, the copyright holder & owner.;*
- B) You **REVERSE ENGINEERED** my gallery to obtain **ILLEGAL COPIES** of my copyrighted work.;*
- C) You **MODIFIED & ALTERED MY COPYRIGHTED WORK** to remove my copyright information.;*
- D) You **PUBLISHED & DISTRIBUTED** the modified works as your own;*
- E) You **DERIVED TANGIBLE INCOME** as a result of using my images.*

*All of the above being **CRIMINAL** acts, not just civil and something that cannot be excused by a mere 'Whoops I'm sorry'. I will await the advice of counsel with regards to filing criminal charges in this matter.*

*It is obvious to me, by your response and actions, that you have no concept of the severity of your actions. Copyright infringement is a violation of **FEDERAL LAW** and it is a **FELONY**. When you are convicted it will be on your permanent record which will affect you and your business for the rest of your natural life, perhaps beyond. If charged, the ensuing investigation will not only cover my copyrighted material but **ANY** copyrighted material (software, music, video, books, etc..) that you do not have proper licensing for, in essence it's very ugly and you could end up with the likes of Sony & Microsoft joining into the case or filing against you separately.*

At this point in time I will only consider the following to prevent my moving forward with litigation and possible criminal charges:

- A) A Certified Check for the \$400 shooting fee + \$1200 minimum residual income + any associated attorney's fees already incurred.*

- B) *A Public Statement and apology on your website recalling any downloaded copies of my images. Said statement should also give proper credit for those images to me and provide a link to my gallery of those images.*
- C) *A statement, on your website with the image of the associated flyer, giving credit to me as the photographer for the images used in that flyer. I would also highly suggest giving credit to the photographer of the other two images used providing you did in fact obtain proper licensing of those images.*
- D) *One year of advertizing & promotion of my photographic services on all of your websites and at all of your events.*

I have copied my counsel on all of our communications, I would highly suggest that you use 'Reply All' should you choose to respond to this reply so that all parties receive copies of your response.

Regards;

Pedro P. Polakoff[™]

3PS & Jersey Devil Enterprises, LLC <http://www.3ps.com>
6515 Bingham St. (267) 804-4666
Philadelphia, PA 19111-5309 (215) 301-9008 Cell

MSN: Pedro_Polakoff@msn.com AOL: pedropolakoff
Yahoo!: pedropolakoff Skype: pedropolakoff

From: Wildin' Out [mailto:info@wildinout.com]
Sent: Thursday, September 20, 2007 9:21 PM
To: Pedro P. Polakoff III
Subject: RE: Photos & Phone conversation @ 6:34pm EST

Pedro,

Thank you for bringing your issue to my attention.

This has been a misunderstanding. I did not and had no intentions to steal yours, or anyone else's photos.

Following our conversation on the phone, I immediately and voluntarily removed all of your photos from my website.

I apologize for any inconvenience this may have caused you.

Thanks,

Denis

From: Pedro P. Polakoff III [mailto:ppp3@3ps.com]
Sent: Thursday, September 20, 2007 8:03 PM
To: Wildin' Out
Cc: ajd@dimarinolaw.com
Subject: RE: Photos & Phone conversation @ 6:34pm EST
Importance: High

Denis,

*Just in case you forgot, here's the complete record of our dialog regarding the images. You will note that at no point did I give you my images, nor did I make them available by any means other than to provide you with instructions on how to embed **my** gallery into your website for promotional purposes as an example of the services I provide to my clients. The rates that I quoted were discounted because Slava & Herman told me to give you the best rate I could which is well below my standard rate of \$100/Hr. I had hoped to develop an ongoing relationship where I could provide you with even better pricing based on the volume of work.*

Perhaps now, with this written reminder, you will understand why I'm steadfast in my position which is:

Regardless of what you have said on the phone, the actions involved in:

*A) **Bypassing my security to get copies of my images, and;***

*B) **Removing my embedded digital copyright and overwriting my copyright watermark;***

clearly prove beyond any reasonable doubt the intent to steal my copyrighted work.

I'm sure you will now also understand why the 'promise' of future paid work in no manner compensates me for the damages already done to my business, my art, and my reputation through your felonious actions.

Clearly there was no need to steal my images. Just because my family emigrated in the mid 1800's doesn't change the fact that we share a common heritage. I really did not expect to be screwed like this by one of my own when in fact I was looking forward to learning more about that heritage from you and others in the Philadelphia area Russian community.

Regards;

Pedro P. Polakoff™

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Yahoo!: pedropolakoff Skype: pedropolakoff

From: Wildin' Out [mailto:info@wildinout.com]
Sent: Tuesday, July 03, 2007 3:07 PM
To: Diable
Subject: RE: Photos

Hi,

Thanks for the link! I will keep your services in mind for future events.

Denis

From: Diable [mailto:jerseydevil@jerseydevil.net]
Sent: Tuesday, July 03, 2007 2:01 PM

To: Wildin' Out
Subject: RE: Photos

Denis,

The gallery is now online and can be embedded into your website using an iframe:

<iframe name="gallery" frameborder="no" width="608" height="584" scrolling="no" align=left src='http://www.3ps.com/album/sipndip/index.html' > If you can see this then sorry but your browser does not support inline frames. You will need to get the most current version of your preferred browser.</iframe>

You can adjust the size of the iframe to suit your website accordingly. You can also see it on my website under the EVENTS heading by selecting Sip-n-Dip from the sub-menu. I did not have a choice of mp3's for background music but it can be added at any time by sending me your choices as mp3's.

Some of the images have undergone full retouching while others have only undergone basic retouching, I'm sure you'll be able to see the difference. Feel free to give me a ring anytime to discuss future events, as I had indicated my rates are very reasonable for what I produce at \$200 for up to 4 hours and \$400 for up to 8 hours. I can also produce a stand-alone flash gallery that can be embedded into MySpace or any other public site and deliver that on CD or via Download.

I hope you like the images and I look forward to working with you in the future.

Regards;

Pedro P. Polakoff[™]

Photography by Diable <http://www.jerseydevil.net>
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Philadelphia, PA 19111-5309 (215) 301-9008 Cell

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Yahoo!: DiabledeJersey Skype: DiabledeJersey

From: Wildin' Out [mailto:info@wildinout.com]
Sent: Sunday, July 01, 2007 11:43 PM
To: Diable
Subject: Photos

Hi Peter,

It was nice meeting you at the SPA party we did yesterday, the event was definitely something to remember.

I was wondering how I can download the photos you took of the crowd.

Thanks,

Denis

Verified to be Virus & Spam free by McAfee Security products
provided that origin is not altered from the following servers:
mail / smtp.3ps.com or mail / smtp.jerseydevil.net
