

**18 July 2014**

**Sunshine Coast Creative Alliance  
PO Box 980  
Coolum Beach Q 4573**

Dear Sir/Madam

I am the owner of copyright image (**my Work**) you have used to promote your event **Arts Express – AMPED Creative Showcase**

As copyright owner, I have a number of exclusive rights under the *Copyright Act 1968* (Cth). These exclusive rights include the right to reproduce the Work, and to publish and communicate the Work to the public (including by way of sale, broadcast or putting the Work online). It is an infringement of copyright to do any of the acts comprised in the copyright in relation to the whole or a substantial part of the Work, or to authorise such an act, without my permission or licence.

As creator of the Work, I retain moral rights under Australian law, including but not limited to the right of integrity, to prevent derogatory treatment of my Work.

It is an infringement of my moral rights if I am not attributed as the creator of the Work, someone else is attributed as the creator of my Work, **or my Work is treated in a derogatory manner without my permission.**

On June 13, it came to my attention that you had used my Work without seeking my permission. On that date, I emailed your listed contact email address with a request to take down my Work from your Facebook and web pages. The conduct described above constitutes infringement of my copyright **AND** my moral right to integrity. I did offer to supply a full quality file and invoice you for this service. I received no reply.

On June 29, I emailed you again and this time I included an invoice for the commercial use of my Work. I also offered as a gesture of good will that I would accept payment of the invoice as final and that I would not pursue damages provided the invoice was paid on time. Again I have received no response, in spite of also copying this email to your President's listed email address.

On July 14, I again emailed you with a final request that you pay the invoice for my Work by the close of business on Thursday July 17. Again, no response and no payment has appeared.

Printed copies of all of these emails have been included with this letter. Please note also that these emails have been sent to a third party in the Sunshine Coast Regional Council who has confirmed receipt.

I am now, in writing, giving you one final opportunity to correct this matter before I proceed with legal action.

To rectify this infringement of my rights and to prevent escalation of this matter, I require that you undertake to:

1. immediately stop infringing my copyright **AND** my moral rights by removing my Work from your pages.
2. immediately take steps to pay the invoice issued to you for my Work

Failure to take the steps above will result in legal action and further costs being awarded in line with the Copyright Act 1968.

You can confirm your acceptance of these undertakings by signing and dating a copy of this letter and returning it to me within 7 days. Please also initial all attached pages and include those as well.

You are now on notice as to my copyright and moral rights in respect of the Work. If I do not receive an adequate response within 7 days of this letter, I will take such action as I may be advised in order to protect my rights including, without limitation, legal action for injunctive relief or to recover damages without further notice to you.

I otherwise reserve all my rights.

Yours faithfully

**Marc Austin-Zande**  
**austin-zande imagery**

**AGREED:**

\_\_\_\_\_  
**(signature of authorised person)**

\_\_\_\_\_  
**(name of authorised person)**

**for: Sunshine Coast Creative Alliance**

\_\_\_\_\_  
**(date)**