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June 24, 2011

VIA TELECOPY

Sue Gardner, Designated Agent
Wikimedia Foundation
c/o CT Corporation System
818 West Seventh Street
Los Angeles, California 90017

Re: Unauthorized Use

Dear Sirs:

We represent Gregory Colbert and Flying Elephants Inc. and its affiliates, the owners of all right, title and interest in the photographic works of Gregory Colbert, also know as the Ashes & Snow collection (the "Works").

We have recently learned that Wikimedia Commons is posting copyright protected images and stating that permission for their use has been verified and archived in the Wikimedia OTRS system.

We have been advised by you that several years ago an administrative assistant at Ashes and Snow authorized (via the Internet) the publication and the use of certain photographs constituting Works and agreed to the terms of a Wikimedia Commons free license.

Please be advised that all Gregory Colbert images are protected under United States and international copyright laws and under no circumstances was the administrative assistant authorized to grant a license to Wikimedia Commons or anyone in connection with the Works. The administrative assistant was not an authorized agent of Gregory Colbert, nor was she a manager, officer or director of any entity to which Mr. Colbert has licensed the Works, and did not have authority to grant such license.

The photographs which we have seen posted in Wikimedia Commons include the following:

<http://commons.wikimedia.org/wiki/File:GC0000001.jpg>

http://commons.wikimedia.org/wiki/File:Untitled_photograph_by_Gregory_Colbert.jpg
<http://commons.wikimedia.org/wiki/File:Gc000003.jpg>
http://commons.wikimedia.org/wiki/File:Gregory_Colbert.jpg
http://commons.wikimedia.org/wiki/File:Gregory_Colbert_Nomadic_Museum.jpg
http://commons.wikimedia.org/wiki/File:Gregory_Colbert_exhibition_Ashes_and_Snow_Tokyo.jpg
http://commons.wikimedia.org/wiki/File:Gregory_Colbert_untitled_portrait_2.jpg
<http://commons.wikimedia.org/wiki/File:Gc002.jpg>
http://commons.wikimedia.org/wiki/File:Nomadic_Museum_Mexico_City_6.jpg
http://commons.wikimedia.org/wiki/File:Nomadic_Museum_Mexico_City_5.jpg
http://commons.wikimedia.org/wiki/File:Nomadic_Museum_Mexico_City_7.jpg
http://commons.wikimedia.org/wiki/File:Nomadic_Museum_Mexico_City_1.jpg
http://commons.wikimedia.org/wiki/File:Nomadic_Museum_New_York_1.jpg
http://commons.wikimedia.org/wiki/File:Nomadic_Museum_Tokyo_2.jpg
http://commons.wikimedia.org/wiki/File:Nomadic_Museum_Tokyo_1.jpg
http://commons.wikimedia.org/wiki/File:Nomadic_Museum_Santa_Monica_1.jpg
http://commons.wikimedia.org/wiki/File:Nomadic_Museum_Mexico_City_3.jpg

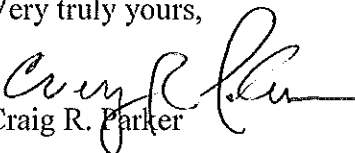
We hereby demand that you terminate the license (to the extent that such may have been granted without authority), and the storage and use of the photographs, and update your records to indicate such termination.

The undersigned believes, in good faith, that that use of the material in the manner complained of herein is not authorized by the copyright owner, its agent, or the law.

Under penalty of perjury, I hereby affirm that that the information in this notification is accurate and I am authorized to act on behalf of Mr. Colbert, the owner of the exclusive right that is alleged to be infringed.

The foregoing is without waiver of any and all rights of Mr. Colbert, all of which are expressly reserved herein.

Very truly yours,


Craig R. Parker

cc: Gregory Colbert
Creative Commons.org
Geoff Brigham, Esq.