



PER POSTAL MAIL, COPY PER E-MAIL

(scratch@bayarea.net)

Mr. Jon Rogers
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Date 18 March 2005
Our ref. 45.000.541
Subject Mercis / Internet infringements

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Dear Mr. Rogers,

I am writing to you in my capacity as the attorney of Mercis B.V. established in The Hague, the Netherlands and Mr. Dick Bruna, domiciled in Utrecht, the Netherlands.

Dick Bruna is the maker of the Miffy (in Dutch "Nijntje") figure, among other characters. Dick Bruna's drawings are protected by copyright. Dick Bruna has transferred his copyrights to Mercis B.V. For further information about Mercis B.V. and the works of Dick Bruna, please visit www.mercis.com and www.nijntje.nl or www.miffy.com. Under the Berne Convention a Dutch copyright proprietor, in this case Mercis B.V., has the same rights in the United States as an American subject. The United States Copyright Act ("USCA") grants the copyright proprietor the exclusive right to commercially exploit drawings protected by copyright law as defined in Section 106 of the USCA. It is unlawful to use those rights without the permission of the copyright proprietor.

Mercis B.V., however, has established that without its permission at the website <http://www.obeymiffy.com> several pictures and photographs are displayed of Miffy. The Miffy figures distributed among the general public by means of the above URL are reproductions or moderations of works of Dick Bruna. Thus infringement is committed of Mercis B.V.'s copyrights, and Mercis B.V. sustains a loss in consequence. Moreover, the trademark MIFFY is used in the aforementioned domain name. Therefore, also Mercis B.V.'s trademark rights are infringed.

Mercis B.V. has already sent an e-mail to the address mentioned at this website, but no reply has been received.



Based on the above I herewith demand that you (i) immediately cease and not resume any use of the domainname <miffy.com>, (ii) that you unregister the domainname <obeymiffy.com>, and that you (iii) remove any Miffy related content from your website (provided that you choose to disclose the non-infringing part of the content of the aforementioned website via another URL).

I should like to receive a confirmation of your compliance to the above requested actions before 12 April 2005. Failing your timely response, Mercis B.V. will have to take legal action against you.

Sincerely,

Van Doorne N.V.
W. Seinen