



Advocates and Solicitors

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BY E-MAIL

Ref. No.: VD/AM-001-ISL

8th June, 2015

Mr. "Thejesh GN" alias "Thej",
Bangalore
Email: i@thejeshgn.com

Sir/s,

Re.: Cease and Desist Notice - Infringement of Copyright - Civil and Criminal Offence under the Information Technology Act, 2000 and Indian Penal Code

We are writing to you on behalf of and under instructions from our client, **Flash Network Ltd., having its office at 7, Sapir Road, P.O.Box 12624, Herzlia 4685211, ISRAEL**. Our client has placed in our hands certain documents on which we rely and in the following circumstances address to you as under:-

1. Our client is a global leader of mobile Internet optimization and monetization solutions that enable operators to boost network speed, optimize video and web traffic, and generate over-the-top revenues from the mobile Internet.

2. Our client develops and markets a software product commercially known as Layer8. The Layer8 platform helps mobile operators engage with their subscribers as they browse the web, and to offer them services that generate new downstream revenues from over-the-top affiliations. Our client serves over one billion subscribers daily with offices in North America, Europe, Israel, and Asia and is proud to count among its customers top-tier mobile operators.

3. Accordingly, our client created a java script code to be injected by mobile operators for their 3G network (*hereinafter referred to as “the said code”*) against payment of royalties and/or license fees to our client and otherwise subject to commercial and legal terms acceptable to our client. The said code injects a java script code into traffic flowing through the platform, thus enabling mobile operators to offer services to their 3G subscribers. The said code is confidential and proprietary information of our client.

4. This letter is sent to you following your publication on Git Hub website, and is sent to your contact information as detailed therein. Our client's attention has been recently drawn to your publication on Git Hub: “airtel-3g-script-injection” (<https://github.com/thejeshgn/airtel-3g-script-injection>). In this publication you have adopted and reproduced substantial portions of the said code (*hereinafter referred to as “the impugned code”*). For example only, the following pages, included in your publication, are infringing our client's rights in the said code:

- a. <https://github.com/thejeshgn/airtel-3g-script-injection/blob/master/Anchor.js>
- b. https://github.com/thejeshgn/airtel-3g-script-injection/blob/master/Anchor_beautified.js
- c. <https://github.com/thejeshgn/airtel-3g-script-injection/blob/master/flashnetworks.png>
- d. https://github.com/thejeshgn/airtel-3g-script-injection/blob/master/thej_in_screenshot_from_2015-06-03_18:49:39.png

Screenshots of your publishing the impugned code are attached herein as **ANNEX A**.

5. The said code is closed source software and our client is sole proprietor of the same. Therefore, no one can use the said code without obtaining license from our client against payment of fees and/or royalties and on commercial and legal terms acceptable to our client. Your aforementioned actions constitute a blatant violation of our client's copyrights and other proprietary rights in the said code.

6. In addition to your publication of the impugned code being a violation of our client's copyrights and other proprietary rights, it also constitutes an unfair trading upon the reputation and goodwill acquired by our client. .

7. Your act also amounts to a criminal offence under the Indian Penal Code, 1860 and the Information Technology Act, 2000. This act of you have caused great damage to our client's business, as well as to its name and reputation, and although such loss cannot be compensated in terms of money, our client will be entitled to claim and recover from you substantial amount by way of compensation/damages.

8. In the circumstances, you have rendered yourselves liable to institution of **legal proceedings, both Civil and Criminal**, against you. If you are desirous of avoiding the same, you are hereby called upon to comply with the following requirements:-

(a) To withdraw the impugned code immediately from your publication on Git Hub;

(b) To cease and desist forthwith from using the impugned code or any part thereof or otherwise howsoever reproducing the same without the license of our client or in any manner infringing our client's copyrights in the said code.

(c) To cease and desist forthwith from dealing with the impugned code or any other code identical with or deceptively similar to our client's said code in any manner so as to pass off your service as in some way connected with our client.

(d) To give an unconditional undertaking to our client in a form to be approved and acceptable to our client that you will not hereafter use the impugned code or otherwise howsoever deal in by using the impugned code or any other code identical with or deceptively similar to that of our client's code so as to infringe its copyrights .

(e) To surrender to our client or to us as its Advocates and Solicitors, the entire stocks of your documents, brochures, leaflets, trade catalogues, advertisements etc. containing the impugned code for destruction thereof, and to provide evidence of deleting and destroying all copies of the impugned code and the said code, including any backup copies, from any computer, hard disc or other storage device which contain them.

9. Please note that in the event of your failing to comply with the above requisitions and confirm the same to us as well as our client in writing within three (3) days of receipt of this letter that you are willing to comply with the foregoing demands in to unconditionally, our client will have no alternative but to initiate criminal proceedings by filing Complaint with the police under Indian Penal Code, 1860 and Information Technology Act, 2000 against you. Our client will also be compelled to file a complaint with the police and ask the police to search your premises to find out if any incriminating documents or confidential information or any relevant materials pertaining to our client are kept in your office. Furthermore, our client will be compelled to take such suitable civil action as they may be advised to protect the copyrights of our client entirely at your risk, costs and consequences thereof.

For **SOLICIS LEX**
Advocates and Solicitors



(AMEET MEHTA)

Cc:

1. **THE COMMISSIONER OF POLICE,**
Near Infantry Road, Vasanth Nagar,
Bangalore, Karnataka.
Email: ksdgp@bgl.vsnl.net.in

2. **ADDITIONAL DIRECTOR GENERAL OF POLICE (E.O.), CID, BANGALORE.**
Cyber Crime Police Station,
CID Annexe Building, Carlton House,
1, Palace Road,
Bangalore - 560001
+91- 080- 22094498, +91- 080- 22094564,
+91- 080- 22942475, +91- 080- 22943050
Email: cybercrimeps@ksp.gov.in