



Friday, February 15, 2013

Gesellschaft zur Verwertung von Leistungsschutzrechten mbH (GVL)
Podbielskiallee 64
D - 14195 Berlin
Registergericht: Amtsgericht Charlottenburg, HRB 92075

WIBG ./ GVL
Re: Cease and Desist Demand

Dr. Tilo Gerlach, Guido Evers,

WIBG is represented by the law firms listed below. If you are represented by legal counsel, direct this letter to your attorney immediately and have your attorney notify us of such representation.

You are hereby directed to:

CEASE AND DESIST ALL DEFAMATION OF THE CHARACTER AND REPUTATION OF WIBG, ITS OFFICERS, EMPLOYEES, AGENTS, AFFILIATES, SUBSIDERARIES AND CONTRACTORS.

YOU ARE TO IMMEDIATELY CEASE ALL DIRECT COMMUNICATION OF ANY KIND WITH WIBG OFFICERS, EMPLOYEES, AGENTS, AFFILIATES, SUBSIDERARIES AND CONTRACTORS.

The email sent by you or your representatives constitutes harassment which consists of the following:

- a. a statement that tends to injure reputation;
- b. communicated to another; and ...
- c. that the speaker knew or should have known was false.



Your defamatory statements involved the following email sent to a WIBG sub-contractor (*name withheld to protect the privacy of the complainant*):

Sehr geehrter XXXX XXXXXX,

der Betreiber von SonixCast hat offensichtlich bei Ihnen den Eindruck erweckt, das Sie Ihr Webradio in Deutschland mit einer Lizenz der kanadischen UrheberVerwertungsgesellschaft SOCAN legal ausstrahlen können.

Tatsächlich sind mit dieser Lizenz nicht die Leistungsschutzrechte und Vergütungspflichten abgedeckt, die von der GVL für die ausübenden Künstlern und Labels eingezogen werden.

Für Webradiobetreiber in Deutschland ist die SOCAN-Lizenz via SoniXCast unzureichend und ersetzt nicht die notwendigen Lizenzzahlungen für das Senden von Tonträgern an die GVL.

Im Hinblick auf die zum Rechteerwerb erforderlichen Schritte verweise ich auf meine Nachricht von 03.02.2013. Wir gehen davon aus, dass Sie unverzüglich Kontakt mit uns aufnehmen.

*Mit freundlichen Grüßen
i.A. David Abraham*

The statements made in the email are deemed false and inflammatory and, are therefore, in direct violation of WIBG's rights as protected by law for the following reasons:

- a. All internet radio broadcast channels are **wholly owned and operated** by WIBG.
- b. All audio content emanating from the SoniX Broadcast Network (SBN) is licensed by the Society of Composers, Authors and Music Publishers of Canada (SOCAN) **in full compliance** with the WIPO (WCT) 2006, TRIPS 1995, UCC Paris/Geneva and the Bern Convention treaties.
- c. Propagation of disinformation designed to explicitly damage the reputation of another corporate entity applies. (Ref: UGW § 4 Absatz 3, Directive 84/450/EEC [1984 OJ L 250/17], Directive 97/55/EEC [1997] OJ L 290/18, Unfair Competition Act 1996)
- d. Unsolicited contact of WIBG, its officers, employees, agents, affiliates and contractors constitutes harassment and violates the personal privacy rights of parties involved. (Ref: ACTA, OWiG § 118)



Accordingly, we demand that you:

- a. immediately cease and desist your unlawful defamation of WIBG, its officers, employees, agents, affiliates and contractors and ...
- b. provide us with prompt written assurance within ten (10) days that you will cease and desist from further defamation of WIBG's character and reputation.

If you do not comply with this demand within time period described above, WIBG is entitled to seek equitable relief. Be advised that WIBG will pursue all available legal remedies, including seeking monetary damages, injunctive relief, and an order that you pay court costs and attorney's fees.

You are further required to cease all communication with WIBG, its officers, agents, affiliates, subsidiaries and contractors and to direct all further correspondence *through your legal representation only* to one (or more) of the law firms listed below or to legal@sonixcast.com.

Rosenbaum & Frank LLP
The Exchange Tower
130 King Street W., Suite 1800
Toronto, ON M5X 1E3

Law Offices of John F. Lang
One Grand Central Place
60 East 42nd Street Suite 4600
New York, NY 10165

Anwaltskanzlei
Monique Bocklage
Bürgerweide 41
20535 Hamburg, Germany

Respectfully,

Brian G. Walton Jr.
Chairman and Chief Executive Officer
Walton International Business Group