

## **Who is Copytrack?**

Copytrack has been helping creatives and brands protect their intellectual property since 2015. We are one of the leading digital licensing and copyright agents in the world and we have helped manage, license, and enforce over 200.000 cases of image theft to date. Our customers come to us because their images have been stolen and because they do not have the time to retrieve their damages. We take legal action against all businesses that are guilty of infringing our customer's copyright.

## **Why am I receiving this letter from Copytrack and not from the copyright owner?**

Copytrack has been authorized and engaged exclusively by the copyright owner as his licensing and copyright agent to manage and enforce all copyright infringements of his work. This includes management of all communication, payment, and legal representation.

Our client, the copyright owner, does not wish to enter into direct communication with the copyright infringer and has chosen Copytrack to represent him in all relevant matters so that he can focus on his work and does not have to spend his time looking for you.

## **Why should I purchase I post-license?**

You should purchase the images because you are otherwise guilty of image theft and of infringing the copyright owner's intellectual property, making you liable to be sued in court. The purchase of a subsequent license offers many advantages: When you purchase a retroactive license, you will be treated as if you had legally acquired the image from the beginning. No further claims of copyright infringement will be asserted against you and you can continue to use the image on your website without interruption. Copytrack also refrains from claiming any legal costs as long as you agree to purchase a post-license or pay the compensation costs.

## **What is the difference between the post-license fee and the compensation costs?**

The post-license fee is the cost of the license for one year, meaning you are legally entitled to use the image for one year from the date it is purchased and includes previous damages that are otherwise covered in compensation costs. When you purchase a post-license, you are actually getting two for one: you are paying for past damages and you are procuring the rights to be able to continue to use the image for one whole year.

The compensation costs cover the damages that have occurred already due to your illegal use of our client's copyright image. When you chose to pay solely for the compensation costs, you are required to remove the image from your website immediately. In case you have already removed the image, you are still liable and must pay the compensations costs.

## **Why are your fees so high compared to stock images sites?**

Our clients work all over the world on a variety of projects. Most of their work is contractual and not meant for a larger market or audience. Our clients purposefully do not always make their work available of stock image sites either because they do not want to sell their images at the suggested stock image rates.

When we determine the compensation costs and the post-license fee of our clients' work, a variety of factors play a role determining the total sum. Foremost, we ask for a practice license and past invoices that prove that our client has been able to sell his images at the suggested price in the past. If he cannot provide such proof, we revert to standard prices that reflect the price range for which a similar image would usually be sold at on stock image sites.

### **What happens if I do not purchase a post-license for the image?**

If you choose not to purchase a post-license and if you refuse to pay for compensation costs, then you are breaking the law. Copyright is protected in every country in the world and you are liable to being sued in front of court if you do not respect it. Furthermore, you are saying that it is ok to steal as long as there are no consequences – this is the message you are sending us and the copyright owner. In this case, Copytrack will take all measures to make sure you pay the copyright owner his fair share and we are willing to take legal action against you, even if it means filing a lawsuit in front of court and fining you for additional damages and legal expenses.

### **Do you offer payment plans to help purchase a post-license / pay the compensation costs?**

Yes. If you find that you cannot pay for the compensation costs or purchase a post-license at the moment, please get in touch with us and we will be able to set you up with a secure and easy payment installment plan.

### **I found the images on the internet – doesn't that mean that they are free to use?**

No, images found on the internet via search engines and other means are not free of use. As a rule, every image must be licensed prior to use. If you cannot provide a license for the images on your website, regardless of your knowledge or intent, you will be liable to be sued in front of court for damages and expenses.

### **Why are images copyright protected?**

Every country in the world has a copyright law that protects the original work of an individual against misuse or theft – without such a law, creatives would not be able to protect their work; they would not be able to earn money for their work. The work is protected even if the original image is altered or changed. Use of a copyright work without a valid license from the copyright owner is illegal and the copyright infringer is liable to be sued for damages in front of a court of law. Copyright infringers are liable regardless of their knowledge or their intent. The copyright owner is the sole person or entity that determines who may (or may not) use his work and who is allowed to hand out a license. Failure to procure a copyright license will therefore automatically lead to persecution.

### **Am I still liable if I delete the image from my website etc.?**

Yes, you are still liable regardless of whether you are still using the image or not. The reason is simple: you have been profiting from the stolen image up until now. Deleting the image only proves your guilt – it doesn't make you less liable for the image theft. However, when you delete the image, you are taking the first step in acknowledging the illegality of your actions. You are now solely required by law to pay for the damages that you have created – the cost of the license for the usage time of the image as well as expenses and fines related to your offense.

### **Why is the copyright owner allowed to determine the price of his license?**

The copyright owner determines the price of his license because only he knows how much time and resources went into his work. The price then is a reflection of this his effort as well as what the market is willing to pay for his effort. Every time an image is stolen, that obviously devalues the price of his work. Our customers are required to prove through documentation the price for which they sell their images. If proof is sufficient, we accept his price suggestion for his license. In case our customers do not provide documentation, we choose the lowest price for which a similar image is sold on the market.

### **How do you determine the post-license and compensation costs?**

Our customers come to us when their images have been stolen. When we are made aware of this, our number one priority is to determine how big the damages are. Then, we need to make the opponent, who stole the image, aware of the damage for which he is liable – and for which he must pay. In determining the total costs of damage, our customer must prove to us the price for which he has sold the image in the past. If he cannot prove previous sales of the image, we apply the standard price for which a similar image would usually be sold on the image stock market. In addition to this, we consider a variety of other factors such as geography, usage type, length of usage, image size, as well as accrued legal costs, to determine the total damages that must be paid.

### **Do I need to submit a cease-and-desist?**

No, you do not need to submit a cease-and-desist. While the copyright owner is legally entitled to enforce this against the copyright infringer, Copytrack, who enforces the rights of the copyright owner, does not pursue such measures.

### **I purchased the image from a stock agency like Getty Images or Adobe – why is Copytrack still telling me to purchase a post-license and pay for compensation costs?**

If you have a valid license for your image, please get in touch with us as soon as possible. Our customers work with agencies who help them sell their images. The issue today is that our customers aren't always aware when agencies like Getty or Adobe sell their images. Therefore, they aren't able to track 100% who is legally entitled to use the image; you, the image user, are required to provide a valid license for the image.

### **I received the image from a customer, a third party, a contractor, coworker, or similar – why are you contacting me?**

We are contacting you because our records show that you are the one responsible for the copyright infringement – for which you are liable regardless of your knowledge or intent. If we have contacted you wrongly, or if you or the person or entity from which you have the image has a valid license and was allowed to share the license with you, please let us know.

## Information pursuant to Art. 13, 14 GDPR

COPYTRACK GmbH (hereinafter COPYTRACK), as a company based in the EU, is obliged to inform you about the processing of your personal data in accordance with Art. 14 of the General Data Protection Regulation (GDPR). Personal data is all information relating to an identified or identifiable natural person. Data of legal entities are not subject to the scope of the GDPR.

<b>Identity of the controller</b>	COPYTRACK GmbH, represented by Managing Director Marcus Schmitt, Dresdener Str. 31, 10179 Berlin
<b>Contact details of the data protection officer</b>	COPYTRACK GmbH, Datenschutzbeauftragter, Oranienburger Str. 4, 10178 Berlin datenschutz@copytrack.com
<b>Processing purpose and legal basis, legitimate interest</b>	The data is processed for the purpose of clarifying the legal situation (authorization request), offering a subsequent license or for legal prosecution and receivables management. According to Art. 6 Para. 1 lit. f GDPR, the processing of your data is necessary to protect our legitimate interests or those of a third party and to verify the existence and if necessary the enforcement of a legal claim for damages. This constitutes COPYTRACK's legitimate interest.
<b>Data categories and data origin</b>	We process the following categories of data: master data, communication data, receivables data and, where applicable, payment information. We collect the data via freely accessible sources, i.e. from the website where we have established a possible infringement of copyright law, from the whois data of the aforementioned website, yellow pages, commercial registers etc.. In rare cases, the data is provided to us by our clients.
<b>Recipient</b>	Within the scope of the post-licensing process or the enforcement of claims for damages, we may transfer your data to our clients and, if necessary, the following categories of recipients, insofar as this is necessary for the enforcement of claims: credit agencies, service providers, in particular shipping and collection service providers, third-party debtors, residents' registration offices, courts, bailiffs, lawyers.
<b>Transfer to third countries</b>	As far as the transfer is necessary for asserting, exercising or defending legal claims, COPYTRACK may also transfer personal data to third countries.
<b>Duration of storage</b>	Your data will be kept for three years after the acquisition of a subsequent license, payment of damages or other termination of the case at COPYTRACK. After that time, COPYTRACK will check if your data is still needed or while there is any legitimate reason to do so.
<b>Rights of the data subject</b>	If COPYTRACK has collected personal data from you, you have the following rights under Articles 15 to 22 GDPR if the legal conditions are met: right to information, correction, deletion, restriction of processing and data transferability. Furthermore, according to Art. 14 para. 2 lit. c in conjunction with Art. 21 GDPR, you have a right of objection to the processing based on Art. 6 para. 1 lit. f GDPR.
<b>Complaints to the supervisory authority</b>	Under Article 77 GDPR, you have the right to complain to the supervisory authority if you believe that the processing of your personal data is not lawful. The address of the supervisory authority responsible for our company: Berlin Commissioner for Data Protection and Freedom of Information, Friedrichstrasse 219, 10969 Berlin, Germany, <a href="https://www.datenschutz-berlin.de/">https://www.datenschutz-berlin.de/</a>
<b>Obligation to provide personal data</b>	There are no contractual or legal obligations of the debtor to provide COPYTRACK with data.
<b>Profiling</b>	COPYTRACK does not use automated decisions including profiling with legal effect against affected persons.

Further information can be found at <https://www.copytrack.com/privacy>.