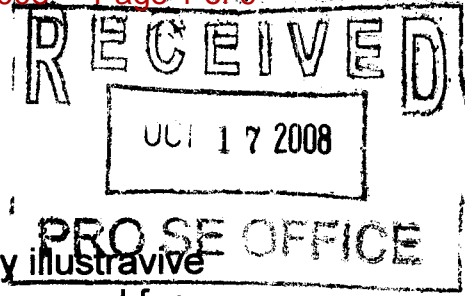


ANSWER 08-64-1966



Response:

1. Disagree:

The reproductions referred to in the claim are actually illustrative photographs that were taken by the defendant and are used for advertising framed posters in the online marketplace. These posters were bought at retail value. These illustrative photographs are essential for the public online purchasing decision. Its not reasonable to assume the public would purchase these or similar items online without a photograph. Its the defendants belief this would be within Fair Use. The defendant believes that should this practice be considered infringement, it would in effect ,cede a virtual online monopoly to the artist and his company. A contradiction to the intention of copyright law. Its stated by law that a copyright is not a licence for a monopoly. And use of a copyright as a tool for a monopoly is considered "copyright abuse" under the law. An exteemly important point is that no one would be able to re-sell anything, even using theyre own photographs of items they own. This would leave the internet as a series of online monopolies.

2 The photographs are intended to represent the framed posters and how they would look on a wall. The defendant understanding is that this is fair use covered under the first sale doctrine.17 U.S.C. 113(c):

17 U.S.C. 113(c):
====

In the case of a work lawfully reproduced in useful articles that have been offered for sale or other distribution to the public, copyright does not include any right to prevent the making, distribution, or display of pictures or photographs of such articles in connection with advertisements or commentaries related to the distribution or display of such articles, or in connection with news reports.

- 3 Insufficient Knowledge
- 4. Agree
- 5 Agree

- 6 Insufficient Knowledge
- 7 Insufficient Knowledge
- 8 Insufficient Knowledge

9 Insufficient Knowledge
10 Insufficient Knowledge
11 Insufficient Knowledge
12 Insufficient Knowledge
13 Insufficient Knowledge
14 Insufficient Knowledge
15 Insufficient Knowledge
16 Insufficient Knowledge
17 Insufficient Knowledge
18 Insufficient Knowledge
19 Insufficient Knowledge
20 Insufficient Knowledge
21 Insufficient Knowledge
22 Insufficient Knowledge

23 The defendant resells prints and posters framed. He also sells imported woodcrafts and taxidermi butterfly collections.

24. Disagree: The posters where purchased from the Chapel of Sacred Mirrors, (Defendants physical store) unframed. The posters are not repurposed. Theyre original purpose as posters is to be framed and put on walls. The defendant provides this service in advance. This is the value to the buyer. They dont have to spend the time to get it framed.

25 Agree

26 Agree

27 Disagree. Plaintiff never responded to a cordial letter or request for a meeting. The defendant attended a presentation by the artist paying \$25 ticket fee. Upon introducing himself to the plaintiff, plaintiff stated the defendant could "sell the posters on the street" but not on the internet as the plaintiff stated he "considered it competition". As stated in the introduction copyright is not a licence for a monopoly. Upon learning this information the defendant republished the images in his webstore and Amazon.

28 Disagree. Photographs were removed previous to the conversation as a gesture of goodwill good intention to the artist.

29 Disagree Defendant belives his use of descriptive photographs as fair use under copyright law.

30 Insufficient Knowledge

31 Disagree Defendant believes his use of descriptive photographs as fair use under copyright law.

32 Insufficient Knowledge

33 Disagree

34 Disagree . If the published illustrative photographs of framed posters truly caused harm, the plaintiff would not be using these same photographs from the defendant to sell his own framed posters in Amazon.com website. Also currently making new adds with similar photographs in the same website.

35 Disagree

It is the defendants belief there is no wrongful conduct. The defendant believes that under the law, re-sale is allowed and photographs as a tool of re-sale are also allowed under copyright law, as these are illustrative rather than exhaustive. The defendant also believes there is no lost revenue or loss of goodwill in the art marketplace due to the online photographs. The same art published as posters is also published as t-shirts pins and blotter paper by the artists company and online webstore. alexgrey.com. If the publishing of these descriptive photographs would constitute financial or any other harm to the artists company. It would not be engaging in the publishing of similar photographs online and even using the defendants photographs as evidenced in Amazon.com .

36 Insufficient Knowledge

37 Insufficient Knowledge

38 Disagree

39 Disagree

40 Disagree The law clearly states that copyright does not include the making distribution or display of pictures or photographs in connection with advertisements. The photographs in the used in the defendants webstore clearly fall into this category.

17 U.S.C. 113(c):

In the case of a work lawfully reproduced in useful articles that have been offered for sale or other distribution to the public, copyright does not include any right to prevent the making, distribution, or display of pictures or photographs of such articles in connection

with advertisements or commentaries related to the distribution or display of such articles, or in connection with news reports.

SIGNATURE: *Terou f. Ferrader*

ADDRESS: 235 - 54 ST
BROOKLYN NY 11220
PHONE (718) 765 - 0174

C.C. LAURENCE SINGER
1629 K STREET N.W.
SUITE 300
WASHINGTON D.C.

FRANCIS N. RUIZ
169 - 26 HILDALE AVENUE
2ND FLOOR
JAMAICA NY



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amazon

Hello, John Fernandez. We have recommendations for you. (Not John?) **FREE 2-Day Shipping, No Minimum Purchase**

[John's Amazon.com](#)

[Today's Deals](#)

[Gifts & Wish Lists](#)

[Gift Cards](#)

[Your Account](#) | [Help](#)

Amazon.com

Search **Alex Grey**



Feedback Rating

★★★★★
5.0 stars over
seller's existence (2
ratings, 100%
positive)

[See all feedback](#)

More Information

[About Alex Grey](#)
[Returns Policy](#)
[Shipping Rates](#)



**ALEX
GREY**

Alex Grey

http://www.amazon.com/shops/alex_grey_cosm

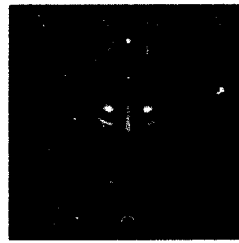
Items 1 - 22 of 22

Sort By: **Newest Arrivals**



Visions

Buy New: \$200.00



Alex Grey 2008 Calendar

Buy New: \$10.00



One by Alex Grey Framed
Poster Edition 25x19

Buy New: \$85.00

No image
available

Alex Grey Poster Framed Display
37x25

Buy New: \$85.00

No image
available

Dry Mounted Poster Framed
Display 37x25

Buy New: \$85.00

No image
available

Custom Framed & Dry
Mounted

Buy New: \$85.00

No image
available

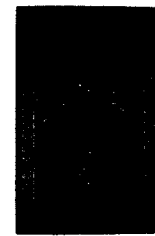
Framed Poster Edition 25x19

Buy New: \$85.00

No image
available

Dry Mounted Framed Poster
37x25

Buy New: \$85.00



Framed Poster From High
Times Cannabis Cup.

Buy New: \$85.00

No image available

No image available

No image available

Dry Mounted Poster Framed 25x19

Dry Mounted Poster Art Framed 19x25

Framed Poster Edition Dry Mounted Art 25x19

Buy New: \$85.00

Buy New: \$85.00

Buy New: \$85.00

No image available

No image available

No image available

Framed & Dry Mounted Display

Framed Poster Dry Mounted Art 25x37

Dry Mounted Framed Art Display 37x25

Buy New: \$85.00

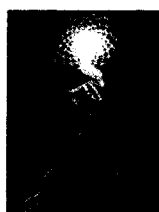
Buy New: \$95.00

Buy New: \$95.00



Psychic Energy System, Signed by Alex Grey - Framed

Buy New: \$95.00



Dying, by Alex Grey

Buy New: \$25.00



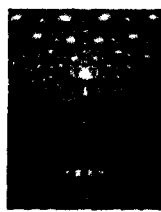
Sophia, by Alex Grey

Buy New: \$25.00



Praying, by Alex Grey

Buy New: \$25.00



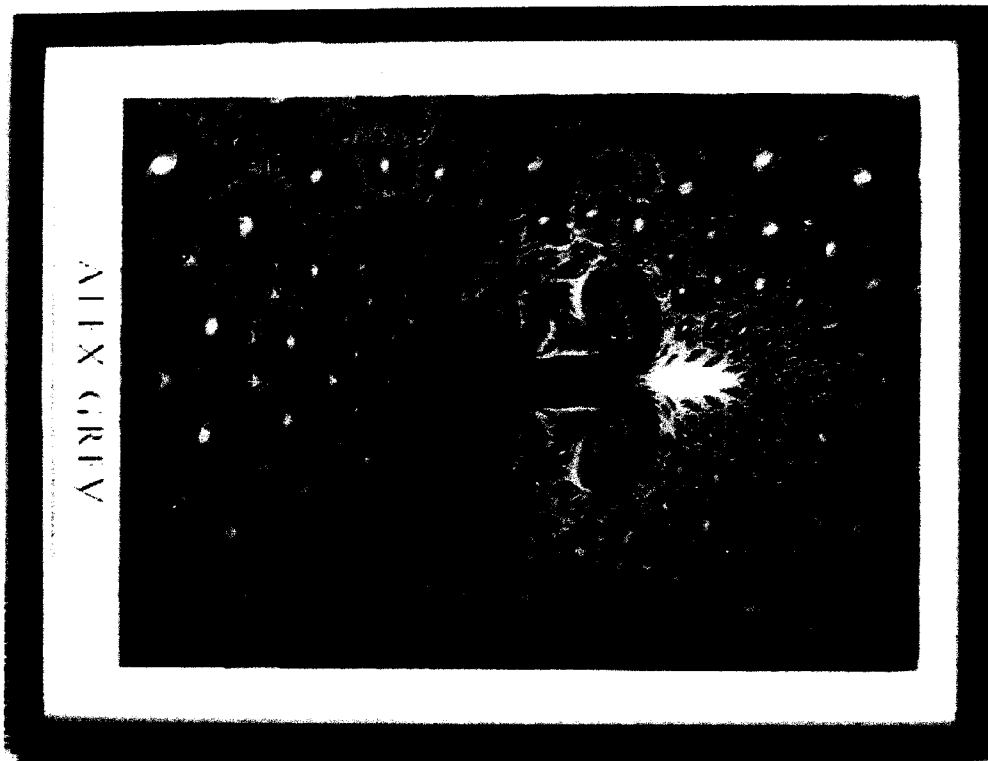
Oversoul, by Alex Grey

Buy New: \$25.00

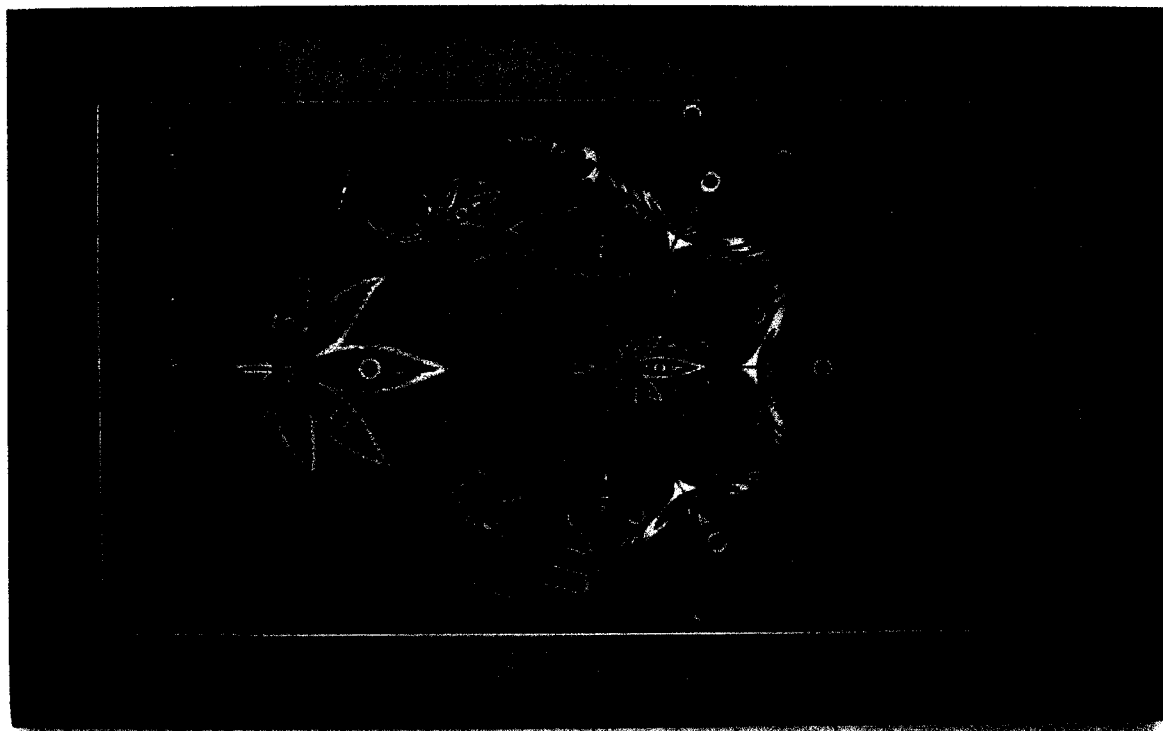


Cosmic Christ

Buy New: \$25.00



SAMPLE OF DEFENDANTS PHOTOGRAPHS



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amazon

Settings

Hello, John Fernandez. We have recommendations for you. (Not John?)

Get FREE Two-Day Shipping Now

John's Amazon.com

Today's Deals

Gifts & Wish Lists

Gift Cards

Your Account | Help

Home & Garden

Kitchen & Dining

Browse Brands & Products

Bestsellers

Cookware

Small Appliances

Tableware

Cook's Tools

Outlet

Gift Ideas



One by Alex Grey Framed Poster Edition 25x19

mysticmana.com

Price at a Glance

List Price: ~~\$105.00~~

New: from **\$85.00**

< Return to product information

Have one to sell? [Sell yours here](#)




All **New** (2 from \$85.00) **Used** (0)

Show All FREE Super Saver Shipping offers only (0)

Sorted by Price + Shipping

Always pay through Amazon.com's Shopping Cart or 1-Click. Your purchase will be protected by the A-to-z Safe Buying Guarantee. Never respond to requests to send funds via wire transfer. Learn more about Safe Online Shopping.

New (1 to 2 of 2 offers sorted by : Price + Shipping)

Price + Shipping	Condition	Seller Information	Ready to buy?
\$85.00 + \$11.49 shipping LOW ITEM PRICE	New	 Rating: ★★★★★ 100% positive over the past 12 months (2 ratings.) 2 lifetime ratings. Shipping: In Stock. Ships from NY, United States. Expedited shipping available. See Shipping Rates. See return policy. Comments: This new, framed poster is Signed by Alex Grey and ships directly from his studio in NYC!	 OR Sign in to turn on 1-Click ordering.
\$99.00 + \$11.49 shipping	New	Seller: MYSTIC_MANA Rating: ★★★★★ 88% positive over 17 ratings. Shipping: In Stock. Ships from NY, United States Expedited shipping available See Shipping Rates Comments: Brand New Immaculate Condition	 OR Sign in to turn on 1-Click ordering.

Where's My Stuff?

- Track your recent orders.
- View or change your orders in Your Account.

Shipping & Returns

- See our shipping rates & policies.
- Return an item (here's our Returns Policy).

Need Help?

- Forgot your password? Click here.
- Redeem or buy a gift certificate/card.
- Visit our Help department.

Search Amazon.com



Your Recent History(What's this?)

Recently Viewed Items

After viewing product detail pages or search results, look

Continue shopping Customers with Similar Searches Purchased

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Hello, John Fernandez. We have recommendations for you. (Not John?) FREE 2-Day Shipping, No Minimum Purchase
 John's Amazon.com Today's Deals Gifts & Wish Lists Gift Cards Your Account | Help

Home & Garden

Kitchen & Dining Browse Brands & Products Bestsellers Cookware Small Appliances Tableware Cook's Tools Outlet Gift Ideas



Framed Poster From High Times Cannabis Cup.
mysticmana.com

< Return to product information

Price at a Glance

List Price: ~~\$125.00~~

New: from **\$85.00**

Have one to sell? [Sell yours here](#)

All New (2 from \$85.00) Used (0)

Show All FREE Super Saver Shipping offers only (0)

Sorted by Price + Shipping

Always pay through Amazon.com's Shopping Cart or 1-Click. Your purchase will be protected by the A-to-z Safe Buying Guarantee. Never respond to requests to send funds via wire transfer. Learn more about Safe Online Shopping.

New (1 to 2 of 2 offers sorted by : Price + Shipping)

Price + Shipping	Condition	Seller Information	Ready to buy?
<p>\$85.00 + \$13.49 shipping</p> <p>LOW ITEM PRICE</p>	New	<p>ALEX GREY</p> <p>Rating: ★★★★★ 100% positive over the past 12 months (2 ratings.) 2 lifetime ratings.</p> <p>Shipping: In Stock. Ships from NY, United States. Expedited shipping available. See Shipping Rates. See return policy.</p> <p>Comments: This new, framed poster is Signed by Alex Grey and ships directly from his studio in NYC!</p>	<p></p> <p>OR</p> <p>Sign in to turn on 1-Click ordering.</p>
<p>\$112.00 + \$13.49 shipping</p>	New	<p>Seller: MYSTIC_MANA</p> <p>Rating: ★★★★ 88% positive over 17 ratings.</p> <p>Shipping: In Stock. Ships from NY, United States Expedited shipping available See Shipping Rates</p> <p>Comments: New Imaculate</p>	<p></p> <p>OR</p> <p>Sign in to turn on 1-Click ordering.</p>

Where's My Stuff?

- Track your recent orders.
- View or change your orders in Your Account.

Shipping & Returns

- See our shipping rates & policies.
- Return an item (here's our Returns Policy).

Need Help?

- Forgot your password? Click here.
- Redeem or buy a gift certificate/card.
- Visit our Help department.

Search Amazon.com



Your Recent History(What's this?)

Recently Viewed Items



One by Alex Grey Framed Poster Edition 25x19 mysticmana.com

Continue shopping Customers with Similar Searches Purchased



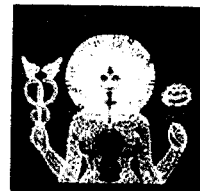
High Times Presents: The Cannabis Cup



High Times Presents The



The Doper's Guide To Amsterdam



Alex Grey 2006 Calendar by Alex