

From : <RayPerman@aol.com>
Sent : Friday, December 2, 2005 1:02 PM
To : Tabberone@hotmail.com
CC : EvaRogath@chalk-vermilion.com
Subject : E Bay Betty Boop Fabric

Dear Karen

My company Sevenarts Ltd owns the Erte copyright and trademark and our associate, Eva Rogath, has copied me on your correspondence. The fabric shows Betty Boop wearing several Erte dress designs including Symphony in Black. These designs are properly registered with the US Copyright Office under the publications Erte at 90 and Erte at 95 which the office have accepted as evidence of use.

The unauthorised use of the designs is a violation of our copyright regardless of the wearer. Shamash as the manufacturer was held responsible. I suspect that King Features have the rights to Betty Boop but not to Erte.

I hope this explains the situation.

Best regards

Ray Perman

Date: Fri, 2 Dec 2005 12:17:03 -0800 (PST)

From: "Karen Dubnikov" <kadubone@yahoo.com>

Subject: re: E Bay Betty Boop Fabric

To: RayPerman@aol.com

CC: EvaRogath@chalk-vermillion.com

I'm responding through my yahoo account since AOL seems to block a number of hotmail accounts.

I find it a bit surprising that a reputable company has an AOL address rather than an address through their company name.

You are saying that Shamash was held responsible. I asked for proof of this. Where is the agreement w Shamash admitted liability? Why weren't they req to pull all stock back from distributors and in addition contact persons of record who had pu the fabric and allowed them to return it. " purchased directly from the manufacturer. have been contacted.

As it is I have a black mark on my r a licensed product that I purchase

Karen

Dear Karen

My company Sevenarts Ltd trademark and our asse on your correspondent wearing several Er in Black. These i the US Copyright 90 and Erte r evidence of

The unse our c name Re

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Best regards

Ray Perman

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From: RayPerman@aol.com
Date: Fri, 2 Dec 2005 17:23:52 EST
Subject: Re: E Bay Betty Boop Fabric
To: tabberone@yahoo.com

Dear Karen

I used my personal e mail for quickness. If you need the company address it is Sevenarts@aol.com. What has happened with whom and who did what has nothing to do with the fact that the fabric makes illegal use of Erte designs no matter who sells it. I am sorry you have been troubled and indeed if you have a black mark against your name. The fact is that there are numerous violations of our copyright every week and we have a standard method of dealing with these.

Best regards

Ray

From: SevenartsLtd@aol.com
Date: Sun, 4 Dec 2005 04:51:14 EST
Subject: Betty Boop
To: tabberone@yahoo.com

Dear Karen

I choose to use aol because I travel extensively and find that it is the best international server for me. It is a matter of choice and I am sure AOL would be concerned if it made a business less reputable. If you are asking for our mailing address it is 37, Albermarle Street London. The trading name is the Grosvenor Gallery who were responsible for the first Erte exhibitions in London and New York.

The fabric is a violation of our rights and we insist on its withdrawal whenever it appears on E Bay. There is no more to be said on the subject. If you feel you have a complaint and wish to take legal action you must do so.

Ray

From: SevenartsLtd@aol.com
Date: Mon, 5 Dec 2005 10:12:27 EST
Subject: (no subject)
To: tabberone@yahoo.com
CC: EvaRogath@Chalk-Vermilion.com

Dear Karen

No one has accused you of being an infringer. You and several other people have innocently bought fabric which makes unauthorised use of Erte designs. . If you have a complaint then I suggest you direct this to King Features Syndicate Inc, who were responsible for the manufacture. I understand that it was first printed in 2001 and we have had this removed from auction whenever it has been discovered.

I note from our correspondence that we first tried to contact you in 2003. A copy of my letter is attached for your information. This letter sets out our position and I do not propose to write further on the subject.

Ray

Attachments

// **Betty_Boop.bmp** (481k)

This
exclus.
Ray Perma-

Date:
From:
To:

Monday, Ju
SevenartsLtd
woodrose@hawa.
ajim@chalk-vermil.

My company Sevenarts Ltd is the
and Vermillion. Proper registrations,
and Trademark Office. The latter regis-
73/573, 197 Erte (Stylized).

The Erte copyrights in designs have been reg-
sculpture, jewelry, etc. The Betty Boop fabrics &
rights and impinge upon the integrity of other pro-
The Betty Boop Princess uses the graphics design Starstruck regis-
I assume that the Hearst Corporation own the Betty Boop image and hav-
but the manufacturers of the fabric have no rights in the use of the Erte &

I am faxing a copy of this e-mail to True Legends Inc. with a request that they
to offer the fabric on their web site and a request that they advise me details of t-
so that we may pass the information on to our lawyers. I have not been able to acces-
4 quillessentials but perhaps Anna Jim could forward this e-mail to them if she is

2003 10:18:47 am
quilt99@bellsouth.net, ribbons@twcny.rr.com,

of the Erte copyright and trademark as advised by Chalk
then made with US Copyright Office and the US Patent
is under Serial No. 73/573,214 (ERTE) and

through various publications of the graphics,
to my attention are a violation of our
d White registered through Erte at
culpture he produced in 1982
hough page 127.
rized the use of this
ately cease
ufacturer
rone
gain

0001 160000011183 0001 11111111 01 11111111

Forwarded Message

Subject: Electronic Notice of Infringement

Date: Fri, 2 Dec 2005 07:52:27 -0500

From: "Eva Rogath" <evarogath@chalk-vermillion.com>

To: VERO@EBAY.COM

HTML Attachment

Electronic Notice of Infringement
(Original Signature on File)

Date: 12/2/05

eBay Inc.
Attn: VeRO Program
2145 Hamilton Ave.
San Jose, CA 95125

Dear eBay,

ARTIFY UNDER PENALTY OF PERJURY that I am the owner
ed to act on behalf of the owner of certain
ny rights, said owner being named
ave a good faith belief that the listings or materials
are not authorized by the above IP Owner, its agent, or the
are or infringe the IP Owner's rights according to state,
or United States law. Please act expeditiously to remove or
ie access to the material or items claimed to be infringing.

I, the undersigned
or an agent,
intellectual
IP Ow
listed
law

I may be contacted at:

Printed Name: Eva Rogath-Silbert
Title & Company: Chalk & Vermillion Fine Arts
Street Address: 55 Old Post Road #2
City and State: Greenwich, Ct.
Zip: 06830
Email (Correspondence): EvaRogath@Chalk-Vermillion.com
Email (Ended auction inquiries): EvaRogath@Chalk-Vermillion.com
Fax: 203-999-9520
Date: 12/2/05

Truly,
Eva Rogath-Silbert

Infringed Work or Right:

Quilt Fabric FQ - Betty Boop 'Elegance' Fashion Black

Item number: 8235341298

Betty Boop Elegance Fabric Boop's All Decked Out

Item number: 6203338371

Betty Boop Elegance Fabric Boop's All Decked Out

Item number: 6221832561

Date: Mon, 5 Dec 2005 09:15:43 -0800 (PST)
From: "Karen Dudnikov" <tabberone@yahoo.com>
Subject: Re: - simple resolution
To: RayPerman@aol.com

All you have to do is have Eva email eBay retracting the take down stating that the parties have resolved the issues in question.

Karen

--- RayPerman@aol.com wrote:

> I do not understand how we can remove a black mark
> as you put it. What more
> can I say that is not in our correspondence. I said
> you were most likely an
> innocent party but that does not allow you to offer
> a product that violates our
> rights. We have copyright in Erte designs and they
> have been misused even if
> they appear as dresses for Betty Boop.
>
> There is no more to be said so please do not
> continue this correspondence as
> there will be no further response. If you wish to
> sue us please do so. If you
> continue to sell the fabric despite our warnings we
> will take action against
> you.
>
> Ray
>

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