

Our ref: 1700331
Your ref:



29 May 2017

Doreen Patterson
John Reynolds
AA Reviver Inc.
PO Box 380
CONCORD WEST NSW 2138

By email to aareviversw@gmail.com and by registered post

Dear Sirs,

RE: INFRINGEMENT OF COPYRIGHT IN ALCOHOLICS ANONYMOUS (FOURTH EDITION)

We act for General Service Board of Alcoholics Anonymous Australia (**GSB**).

We are instructed that GSB is the official licensee of Alcoholics Anonymous World Services, Inc. (**AAWS**) – copyrighted works in Australia and is authorised to print and distribute AAWS literature in Australia.

AAWS has given GSB the consent to enforce the copyright of AAWS literature in GSB's name in Australia.

Background

The AAWS literature concerned in this letter is entitled 'Alcoholics Anonymous (Fourth Edition)', which is a book (**Work**). The Work was created by or expressly for AAWS and is as a consequence subject to Australian copyright, belonging to AAWS and licensed to GSB, by virtue of the Copyright Act 1968 (Cth) and the licence agreement between AAWS and GSB.

It has come to GSB's attention that AA Reviver Inc. (**ARI**) has been importing and distributing the Work in Australia (**Infringing Work**).

Copyright Infringement

Pursuant to sections 13, 31 and 36 of the Copyright Act 1968 (Cth) (**the Act**), it is an infringement of the copyright in the Work for a person, not being the copyright owner, without the licence from the owner of the copyright to do, or authorise the doing of, the following acts in Australia:

- a. reproduce the Work in material form (copies of the Work);
- b. publish the Work; or
- c. communicate the Work to the public (including offering the Work for sale).

As a consequence, the importation and distribution of the Work is an infringement of the copyright in the Work belonging to AAWS and licensed to GSB. In addition, the authorisation of the importation, distribution and communication to the public of the Work via ARI also constitutes an infringement of AAWS's copyright in the Work.

It is clear from the above that the infringements of the copyright in the Work were deliberate, for the purpose of both commercial and non-for-profit activities, and in flagrant disregard of (or reckless indifference to) AAWS's as well as GSB's rights in the Work.

Remedies

Contravention of the Copyright Act 1968 entitles GSB to commence proceedings against ARI in Australia and seek

- a. orders for surrendering any Infringing Work which remain within the possession of ARI;
- b. an injunction restraining the continued reproduction, distribution and communication, and authorising the reproduction, distribution and communication of the Work by ARI;
- c. damages, including additional damages under section 115(4) of the Copyright Act 1968;
- d. account of profits for any benefit derived by ARI in respect of the Infringing Work; and
- e. costs including all legal costs incurred by GSB and AAWS on an indemnity basis.

In light of the above matters, we are instructed to demand on behalf of GSB that no later than 5pm 2 June 2017, you:

- a. provide the written undertaking that ARI immediately cease and permanently desist importing and, communicating to the public the Infringing Work in any forms or authorising any other person to do so in any commercial or non-for-profit activities;
- b. cause ARI to promptly destroy any Infringing Work that ARI is in possession of and provide a certificate of destruction to the same effect;
- c. provide true and complete information on
 - (i) the total number of units of the Infringing Work that have been sold or distributed by ARI without the proper authorisation;
 - (ii) the per unit purchase price received from each sale of the Infringing Work in (i); and
 - (iii) the details of ARI's supplier(s) of the Infringing Work and copies of any invoices, agreements, purchaser order or other documents relating to the Infringing Work from its supplier(s); and
- d. pay for GSB's legal fees of \$1000. Payment must be made into our firm's trust account.

Teddington Pty Limited Law Practice Trust Account
BSB: 032 099
Account No: 482586
Bank: Westpac Banking Corporation
Reference: 1700331

Should ARI fail to comply with the demands in this letter, we will seek GSB's instructions as to the commencement of proceedings in the Federal Court seeking orders outlined above, as well as additional damages and costs, without further notice to you.

If ARI wishes to continue using or distributing the Work legally in Australia, ARI must purchase from GSB, the official licensee of the Work by contacting the General Service Office of AA at

Address: 48 Firth St, Arncliffe NSW 2205
Phone: (02) 9599 8866
Fax: (02) 9599 8844
email: gso@aa.org.au

If you have any questions or wish to discuss this matter, please contact Zhaozhao Wu.

Yours faithfully

Teddington Legal

Mark Gardiner

Legal Director

Email: mark@tt.legal

Zhaozhao Wu

Lawyer

zhaozhao@tt.legal