

Subject: Interactive Pictures Corporation against Yourself  
Date: Thu, 08 Apr 1999 15:07:32 +0000  
From: Paul Stevens  
To: der@fh-furtwangen.de

We act on behalf of the Interactive Pictures Corporation, known as IPIX. As you are aware, our client operates a web site from 'www.ipix.com' ("IPIX Site") which hosts a number of panoramic photographs and also a number of software applications.

In particular our client hosts a panoramic photograph ("Photograph") which is reproduced on a web site operated by yourself at [www.fh-furtwangen.de/~dersch/sphere\\_format/Spherical.html](http://www.fh-furtwangen.de/~dersch/sphere_format/Spherical.html). ("Your Site") Our client owns the copyright which arises in the Photograph. Our client will be deemed to grant a licence to each viewer to reproduce this Photograph only insofar as such a licence is necessary for business efficacy. Consequently, the licence to reproduce the Photograph does not extend to reproducing the Photograph on a third party's web site and does not extend to authorising third parties to reproduce the Photograph from any web site other than the IPIX Site. It follows that your reproduction of the Photograph on Your Site and authorisation to third parties in the United Kingdom to further reproduce the Photograph constitutes a breach of this licence and therefore an infringement in the United Kingdom of our client's copyright in the Photograph.

The Court of Appeal in the United Kingdom has made it clear that it does not matter that acts which constitute the infringement take place abroad. It is sufficient that the act of authorisation is performed within the United Kingdom. In addition, our client owns the copyright in the format it utilises to create IPIX panoramic images that can be viewed using the IPIX "browser plug-in". Your Site authorises and induces infringement of this copyright work in the UK.

The Panorama Tools available from Your Site combined with the true construction of the Frequently Asked Questions and initial text on Your Site amounts to you purporting to grant the permission to UK individuals to infringe our client's copyright works in the IPIX format. The above torts cause and continue to cause our client unquantifiable and significant damage. The remedies available to our client include injunctive relief (both interlocutory and final), damages, an account of profits, legal costs and interest. If we do not receive the following undertakings from you by 12:00 UK time on Wednesday 14th April 1999 we will advise our client to issue proceedings without further notice to prevent any further dissemination of the material within the UK complained of:

1. that you will not, whether acting by your servants, agents or otherwise howsoever, now or in the future without the express permission of our client (in part or in whole) transmit or publish or authorise the transmission or publishing of any advertisement or other statement which has the effect of inducing, inciting, authorising or encouraging the copying of the IPIX image format or its successors within the United Kingdom;
2. that you will immediately remove and thereafter cease to (in part or in whole) transmit or publish or authorise the transmission or publishing of the Panorama Tools, text, pictures and Frequently Asked Questions currently being published on Your Site in relation to IPIX or its successors to individuals resident in the United Kingdom;
3. that within 7 days of providing this undertaking you will provide email addresses of all those persons who you are aware of who have downloaded the panorama Tools from Your Site;
4. that you will pay an agreed sum by way of damages or an account of profits or failing agreement of such sum that you will submit to and pay in accordance with an enquiry as to damages or an account of profits plus interest and our client's incurred costs in respect of such enquiry. In the event that you do not provide the above undertakings by the required time, kindly provide details of a firm of solicitors within England instructed to accept service of proceedings on your behalf or we will deem that you will accept service of proceedings by e-mail at this address and will seek the leave of the Court to do so.

Yours faithfully Olswang

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Paul Stevens, Partner Olswang 90 Long Acre London WC2E 9TT Tel. 0171 208 8976 Fax 0171 208 8800  
E-mail [pas@olswang.co.uk](mailto:pas@olswang.co.uk)

This firm is regulated by the Law Society in the conduct of investment business. A list of partners is available for inspection at Olswang, 90 Long Acre, London, WC2E 9TT. This e-mail is intended only for the above named

addressee/s. This e-mail may be confidential or legally privileged. If you have received this e-mail and you are not a named addressee, please delete it from your system and contact the Olswang IT department on +44 171 208 8888 (x8422).

Subject: Re: Interactive Pictures Corporation against Yourself  
Date: Thu, 08 Apr 1999 18:52:01 +0200  
From: Helmut Dersch  
To: Paul Stevens

Paul Stevens wrote:

- > > In particular our
- > client hosts a panoramic photograph
- > ("Photograph") which is reproduced on a
- > web site operated by yourself at
- > [www.fh-furtwangen.de/~dersch/sphere\\_format/Spherical.html](http://www.fh-furtwangen.de/~dersch/sphere_format/Spherical.html). ("Your Site")

Dear Paul (or Olswang?)

Which photo are you talking about? All images on my site are created by myself with my own equipment at original locations. This can be easily verified: I kept all slides and transparencies etc. In the photograph in question (ie Grand Canyon) you can even see me as a shadow.

Further on you wrote:

- > > In addition, our client owns the copyright
- > in the format it utilises to create IPIX
- > panoramic images that can be viewed
- > using the IPIX "browser plug-in". Your
- > Site authorises and induces infringement
- > of this copyright work in the UK.

Not only did I never authorise people to infringe upon IPIX-copyrights, it would even be technically impossible to do so with my software. Please, get some expert advice before stating such ridiculous claims. In case you have difficulties locating an expert: Here's some more details: What I did is describe a method to edit existing IPIX images.

My software cannot generate IPIX-panos from scratch! (Even if it could: this would not violate any applicable German laws, but since it can't, this is a purely theoretical remark). Btw: Many legal users of IPIX software contacted me to thank for finally being able to make good panos with their expensive system. IPIX actually should be grateful to me since it helped them sell more software. So much for 'damages'. Since none of your claims bears any substance, I will certainly not obey your 'undertakings'. However, to be cooperative I will leave you some time to verify the ownership of my image, and also check the technical details of my software. This should be done in less than a day.

Until then I'll keep my site closed. If I don't hear from you until 16:00 German Time on Friday, 9th April then I assume you have realized your fault and have no further claims. I will also open my site again by that time.

Sincerely, Dersch

Subject: IPIX  
Date: Fri, 09 Apr 1999 19:06:56 +0000  
From: Paul Stevens  
To: der@fh-furtwangen.de

Dear Professor Dersch,

Thank you for your e-mail and closing your site.

I have attempted to telephone you, but your telephone was not answered. I am pleased to note that the photographs you have published on your site were taken with your own equipment and are sorry to have asserted otherwise.

The implication from the paragraphs which precede the panorama showing the two hemispherical images on your site is that they are copied from our client's site. Those paragraphs state that users should visit our client's site and tell how to make permanent copies of images posted there.

As you are aware from my previous email my clients have other concerns relating to your site and your use of the IPIX data format. I will be sending you a letter dealing with these in detail so that the position is clear.

Please keep the site closed until you have had an opportunity to consider the contents of this letter with me.

Your sincerely, Paul Stevens

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Paul Stevens, Partner Olswang 90  
Long Acre London WC2E 9TT  
Tel. 0171 208 8976  
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E-mail pas@olswang.co.uk

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Dear Mr Stevens,

I am glad to see that you finally adopted civilized manners like signing letters with your name and addressing people who you talk to.

I am also pleased to see that you recognized one of your errors, ie accusing me of stealing images.

Unfortunately, you added several new errors. So before writing your letter, may I ask you to - carefully read my pages and only refer to what I really said.

And please read the \_whole\_ text, not just one paragraph. This will save us a lot of work. - please provide information about which British copyright/patent has been violated. - please explain how I as a German resident staying outside the UK violated British copyright/patents.

You may have noticed that your previous email was published on my site. This will happen with all correspondence in this case. Also, be informed that several individuals and companies are facing financial damages by not having access to my website.

I will keep my site closed upon your request and threats, but you will be liable for all these damages.

Sincerely yours H. Dersch

Subject: IPIX  
Date: Fri, 09 Apr 1999 17:28:47 -0400  
From: "Patricia Felch"  
To: der@fh-furtwangen.de

Dear Professor Dersch:

Banner & Witcoff, Ltd., through Thomas Jackson and Patricia Felch, respectively U.S. patent and copyright counsel to IPIX, thanks you for responding to Paul Stevens' first April 8, 1999 e-mail and for making your homepage unavailable while we perform the necessary analysis to respond to your concerns.

We agree that the Grand Canyon image on your homepage was not one of IPIX's images. However, we have some remaining concerns regarding whether and how you are using IPIX's .ipx proprietary data format. It appears to us that you are substituting your image information in the place of IPIX's images.

How can you be substituting your image information for IPIX's without loading at least the IPIX header? If you are giving your web communicants such portions of the IPIX code as you use, then you may be giving them the IPIX header and other code also. We hope that is not the case, because it could be infringing, but will await your explanation.

Additionally, our client is concerned about the commercial effect your homepage may have on its market for IPIX keys and other hardware and software. Although you report that you have encouraged your web communicants to buy IPIX products, we worry that your homepage could be used as a bridge from other imaging software products over IPIX's products.

Perhaps you could explain why your homepage does not diminish IPIX's market.

In closing, we apologize again for suggesting that your Grand Canyon photo was IPIX's and are concerned over your www publication of our correspondence before discussing this matter further with IPIX.

The last thing IPIX wanted was to instigate a web-battle. We understand that you are one the experts in the field of imaging and virtual reality and do not see why you and IPIX could not share information, enabling you and your web communicants to benefit from this burgeoning technology.

Indeed, one of IPIX's engineers is eager to meet face to face with you to discuss the potential for mutual benefits.

Very sincerely, Thomas Jackson

(Washington, D.C. Office) Patricia A. Felch (Chicago Office) Banner & Witcoff, Ltd. NOTICE: Banner & Witcoff, Ltd. will be changing its domain name, effective April 19, 1999, to bannerwitcoff.com. This will apply to all E-mail addresses as well as our web site.

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Dear Sirs,

In response to your email dated Fri, 09 April 1999 17:28:47 -0400: o I am glad to help users of my software for free. But I do not explain it to lawyers whose sole interest is to find a hair in the soup.

o I did not publish the 'IPIX header' or any other bit of IPIX code on my homepage. What is the basis for your assertion I did otherwise?

o The unprofessionalism on IPIX's side is just unbelievable. Don't you people see what business and market opportunities you are missing and destroying by acting how you do?

Panorama Tools is software which could help IPIX easily penetrate new markets like high-res panos for CDs and Intranet (not currently doable with IPIX system), or take over users of other systems (Apple QTVR, LivePicture, BeHere etc), all this free (for IPIX, I mean). Instead, you not only let this chance pass but try to force me out of the place.

o If this were your first letter, and if you were some technology person from IPIX, I'd say you're more than welcome to discuss, as you said, 'potential for mutual benefits'.

However, following your first letter you and your client have lost all credibility in my eyes. Not only because of the false accusations which are not tolerable at all, even after your apology. Also and mainly because of the brutality and inhumanity of your actions: How can a civilized person threaten to ruin a persons existance (together with that of his family) for essentially nothing?

I do not trust you. I do not want to have any kind of relations or business with you.

Sincerely yours H. Dersch