

Translation for information purposes only

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Avocats à la Cour
Toque No: J033

To the editor of the website www.lordoftheblock.com

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Dear Sir

**LEGO - CEASE AND DESIST LETTER FOR THE DELETION OF ILLICIT CONTENT ON THE WEBSITE
[HTTP://WWW.LORDOFTHEBRICK.COM/](http://WWW.LORDOFTHEBRICK.COM/) (IP 173.245.60.114)**

We are the legal counsel of the companies LEGO AS and LEGO Juris AS, members of the LEGO Group (hereinafter "**LEGO**"), with its registered office at Billund, Denmark.


As you are certainly aware, LEGO commercializes construction bricks and toys worldwide, including in France and in the United States.



LEGO holds exclusive rights on the trade marks LEGO and  and verbal, figurative and semi-figurative trade marks related to them, upon which LEGO developed and acquired considerable goodwill and reputation.

In this respect, LEGO registered numerous French, Community and International trade marks.



For instance, our clients hold the Community trade marks LEGO n°39800 and  n°39834 covering, amongst others, class 28 relating to games and playthings.

Besides, LEGO is the exclusive holder of the rights derived from the original works relating both to all boxes and packaging it uses as part of its activities and to the photographs and illustrations featuring its products.

Finally, LEGO is the exclusive holder of the intellectual property rights derived from its products, as well as on all types of playsets which LEGO commercializes.

LEGO has recently become aware of the existence of the website <http://www.lordofthebrick.com/> (the "**Website**"), whose IP (Internet Protocol) address is 173.245.60.114. The Website is a blog relating to books, movies, games and figurines and, in particular, LEGO games and figurines.

The source and content of the Website reproduces all or part of the trade marks held and used by



our clients. The Website also reproduces the logo, a number of photographs of products manufactured and commercialized by LEGO as well as LEGO original works and playsets upon which LEGO holds rights, hereby clearly infringing such rights. These photographs, original



works and playsets as well as the logo are protected by copyright laws in accordance with international conventions and applicable national laws, including French law relating to the "*droit d'auteur*" (French copyright).

Such reproductions clearly violate our clients' rights. LEGO indeed indicates to us that it has, under no circumstances, authorised the reproduction on the Website on any of the trade marks it holds or any original works, logos, products or playsets upon which it holds rights.

Therefore, in accordance with the provisions of Articles L. 713-1 ff. and L. 122-4 and L. 335-2 ff. of the French intellectual property Code, for our clients, these acts infringe their rights and damage their reputation.

In addition to the reproduction of these intellectual property rights, our clients note that on certain of the LEGO playsets reproduced on the Website the statement "CONFIDENTIAL ©2011 The LEGO Group Not to be copied or disclosed PRELIMINARY IMAGE" is affixed. The photographs of the playsets in question as well as the related commentaries indeed have a confidential nature given that this product range has not been disclosed to the public yet. Our clients consider that the manner in which the editor of the Website exploits the Website and the reproduction on the Website of information and images of a confidential nature and described as such constitute acts of parasitism within the meaning of Article 1382 of the French civil Code as well as a material act falling within the scope of the incrimination of receiving information and images of a confidential nature in accordance with Article 321-1 of the French penal Code.

Your contact details are not available, we have notified CloudFlare, Inc., the hosting provider of the blog <http://www.lordofthebrick.com/>, in the meaning of French Law n°2004-575 of 21 June 2004 for confidence in the digital economy (the "**LCEN**"), of the existence on your blog of content infringing our client's rights.

Furthermore, it is indicated in CloudFlare, Inc.'s Terms of Use that, as a user of its services, you shall not "*post, transmit, retransmit, cache, or store material on or through CloudFlare's Service which, in the sole judgment of CloudFlare (a) is in violation of any local, state, federal, or foreign law or regulation, (...) or (c) violates the rights of any Person, including rights protected by*

copyright, trade secret, patent, or other intellectual property or similar laws or regulations" and that you agreed that you "will NOT knowingly use the Service, among other things, to (...):

5. *upload, post, transmit, or otherwise make available any content that [they] do not have a right to make available under any law or under contractual or fiduciary relationships (...);*
6. *upload, post, transmit, or otherwise make available any content that infringes any patent, trademark, trade secret, copyright, or other proprietary rights of any party".*

We would therefore be grateful if you could promptly (within seven days further to the sending of this notification):

1. delete from the Website all elements infringing our clients' rights;
2. provide a written undertaking not to use or reproduce, in any manner whatsoever, any name, logo or any other trade mark (verbal, semi-figurative or figurative) upon which LEGO or any of its affiliated companies holds rights;
3. provide a written undertaking not to use or reproduce, in any manner whatsoever, any work created by LEGO or any of its affiliated companies which is protected by copyright laws, including French law relating to the "*droit d'auteur*" (French copyright);
4. provide a written undertaking not to disclose any information or images relating to LEGO or any of its affiliated companies which have, or are likely to have, a confidential nature.

Should you fail to act promptly to implement the above-mentioned actions, please note that LEGO reserves the right to initiate legal action before competent jurisdictions in order to obtain not only the blocking of the Website but also compensation for the damages it incurs.

We are naturally available to discuss this issue with your usual counsel.

Yours sincerely,

Marie-Aimée de Dampierre