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April 29, 2009

**Via E-Mail (info@mayfirst.org, domain@mayfirst.org & support@mayfirst.org),
FAX (718-770-7699) & Overnight Courier**

May First
461 54th Street
Brooklyn, NY 11220

P.O. Box 1814
New York, NY 10159-1814

Media Jumpstart, Inc.
210 E. Broadway
Apt. H1208
New York, NY 10002

P.O. Box 1804
New York, NY 10159

Re: DMCA Takedown Notice for <shelljazzfest.com>

Dear Sirs:

We represent New Orleans Jazz & Heritage Festival & Foundation, Inc. (the "Foundation").

We call your attention to the DMCA takedown letter set to May First and/or Media Jumpstart, Inc. last night by Ron Sholes, president of the Foundation, concerning the web site located at <http://www.shelljazzfest.com> (see attached). As of this writing, the requested DMCA takedown has not been implemented and the infringing web site continues to operate.

It is critically important that this takedown request be implemented immediately, this afternoon, Wednesday, April 29, 2009. The festival sponsored by the Foundation is currently ongoing, and the operation of the infringing web site is causing substantial damage to the Foundation. We respectfully demand that May First and/or Media Jumpstart, Inc. give this matter its highest priority and implement the takedown immediately. May First and/or Media Jumpstart, Inc. should have taken down the website last night and certainly is dilatory in not having it offline as of early this morning.

As you know, May First and/or Media Jumpstart, Inc. are subject to liability under DMCA for failure to expeditiously remove or disable the infringing web site after receipt of the Foundation's DMCA takedown letter.

Please contact me today at my cell phone (504) 237-4241 and reply by email (and please reply to all persons copied on the email which delivered this letter to you) to confirm that the takedown request has been implemented.

Sincerely,

s/Clare Jupiter

Enclosure

From: Ron Sholes [Ron.Sholes@arlaw.com]
Sent: Tuesday, April 28, 2009 4:46 PM
To: info@mayfirst.org; domain@mayfirst.org; support@mayfirst.org
Subject: DMCA Take Down Letter

April 28, 2009

RE: DMCA Take Down Letter

Dear Sir or Madam,

1. The Complaining Party is New Orleans Jazz & Heritage Festival and Foundation, Inc. (the "Foundation").
2. The copyrighted work at issue is found on the website of the New Orleans Jazz & Heritage Festival ("Jazz Fest") found at [www://www.nojazzfest.com](http://www.nojazzfest.com). The infringed works include:
 - a. The silhouettes of the dancing figures in the Jazz Fest logo, found at the left side of the page-top banner on the Jazz Fest website – see <http://www.nojazzfest.com>.
 - b. The entirety of the top banner on the Jazz Fest website - see <http://www.nojazzfest.com>.
 - c. The general design and appearance of the pages on the Jazz Fest website – see www.nojazzfest.com.
 - d. The entire page under the "tickets" tab on the Jazz Fest website, including all images, text and graphics therein – see <http://www.nojazzfest.com>.
 - e. The entire page under the "travel" tab on the Jazz Fest website, including all images, text and graphics – see <http://www.nojazzfest.com>.
 - f. The entire page under the "info" tab on the Jazz Fest website, including all images, text and graphics – see <http://www.nojazzfest.com>.
3. The infringing material is found on the website <http://www.shelljazzfest.com>. The specifically infringing material is located as follows:
 - a. An infringing copy of the silhouettes of the dancing figures in the Jazz Fest logo, found at the left side of the top banner for all pages and subpages associated with the domain name www.shelljazzfest.com.
 - b. An infringing copy of the top banner of the Jazz Fest website, found at the top of all pages and subpages associated with the domain name www.shelljazzfest.com.
 - c. The entirety of the website associated with the domain name www.shelljazzfest.com insofar as it infringes the overall design and arrangement of the Jazz Fest website.
 - d. The entire page, including all images, text and graphics therein, located at <http://www.shelljazzfest.com/tickets.html>, which is identical to item 1(d) listed above.

e. The entire page, including all images, text and graphics therein, located at <http://www.shelljazzfest.com/travel.html>, which is identical to item 1(e) listed above.

f. The entire page, including all images, text and graphics therein, located at <http://www.shelljazzfest.com/info.html>, which is identical to item 1(f) listed above.

4. The contact information for the Complaining Party is:

Clare Jupiter, Esq.

BRYAN & JUPITER

650 Poydras Street

Suite 2345

New Orleans, LA 70130

Phone: (504) 561-8933 and Fax: (504) 561-6050

Email: Cjupiter@bryanjupiter.com

Attorney for New Orleans Jazz & Heritage Festival and Foundation, Inc.

5. I have a good faith belief that use of the copyrighted materials described above on the allegedly infringing web pages is not authorized by the copyright owner, its agent, or the law.

6. I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Sincerely,

New Orleans Jazz & Heritage Festival and Foundation, Inc.,

By Its President, Ron Sholes

s/Ron Sholes/



[Baton Rouge](#) | [Birmingham](#) | [Houston](#) | [Jackson](#) | [Memphis](#) | [Mobile](#) | [Nashville](#) | [New Orleans](#) | [Washington, D.C.](#)

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