

November 13, 2005

Ms. Patricia Mazzei  
Editor-in-Chief  
The Miami Hurricane

Via Email

Dear Ms. Mazzei,

It has come to our attention that the November 11 edition of the Miami Hurricane has as its cover the story "Caught on Facebook," written by you and another staff member. The graphics, pictures, and other material displayed on the cover and in the story were taken from Facebook and reprinted in your paper without permission either of Facebook or of the members who control the relevant profiles.

The Hurricane has no rights to publish this material and must immediately remove it from its website. We understand that the proverbial horse may unfortunately be out of the barn with respect to the print edition of the paper, though any further distribution may be relevant as to damages. We are reserving all rights in this matter, and the newspaper may of course be subject to legal action from the individuals involved for violation of their copyright and privacy rights in the material you have unlawfully appropriated.

As our Terms of Service make clear, content from Facebook "may not be modified, copied, distributed, framed, reproduced, republished, downloaded, displayed, posted, transmitted, or sold in any form or by any means, in whole or in part" without our prior written permission.

The Miami Hurricane did not seek prior permission to reproduce, republish, or display the Facebook content in question, and if it had, such permission would not have been granted.

Our concern is deepened by the imputed association of Facebook with your unlawful behavior through tagging the photos and user profiles as "Courtesy of Facebook.com." Facebook's dedication to privacy requires that user permission must be sought and obtained for any publication of information in user profiles and picture galleries.

Publication without such permission is strictly forbidden, and falsely representing to your users that Facebook has anything to do with your actions is wholly unacceptable.

We expect that the Facebook content will be removed from your website and that you will cease any other active distribution of the material immediately. You may contact me here or at the number below with any questions as to this matter.

Sincerely,

Chris Kelly

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