



Software Company Limited

23 August 2006

Ragezone.com

By email only to dan@ragezone.com

Dear Sirs

The Codemasters Software Company Limited ('Codemasters')
Ragezone.com ('you')
<<http://forum.ragezone.com/rf-online/>> (the 'Forum')
RF Online (the 'Game')
United Kingdom, Europe and United States of America (the 'Territories')

We refer to your email dated 07 August 2006 in relation to the above matter. In response to your questions:

"We have been advised to ask for legal verification Codemasters does legally own the copyright to the game, after research it seems we have been informed that Codemasters are currently only licensing the game to the European / English market".

It would appear that your "research" is fundamentally flawed. We have informed you on various occasions that Codemasters is not the owner of the copyright vested in the Game but that Codemasters benefits from an exclusive license in the Game. Furthermore, we are not at liberty to disclose specific details of the license agreement in relation to the Game as both parties to the agreement are under a duty of confidentiality.

Codemasters has the exclusive right to 'commercially exploit' the Game in the Territories, you will note that the Territories include, amongst others, the United States of America. This essentially allows Codemasters to use, produce, publish, reproduce issue copies of the Game to the public and in particular transmit or communicate in or to the public by telecommunication or other means (such as interactive or non-interactive broadcasts via cable, satellite, Internet or otherwise) the Game and distribute and issue copies of the Game to the public to the exclusion of all others within the Territories. Furthermore, the agreement grants Codemasters the exclusive right (within the Territories) to provide the online server services.

"The only illegal copyright which do belong to you we have been told are the images to the client, all coding and material would be related to the current Asian copyright holder."

It is not understood what is meant by this statement/question. However we reiterate our legal position in relation to this dispute, which you and your "legal

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consultant" appear to have overlooked. As an exclusive licensee, Codemasters has the benefit of the following, at the exclusion of all others: -

- to copy the Game;
- to issue copies of the Game to the public;
- to perform, show or play the Game to the public;
- to communicate the Game to the public;
- to make an adaptation of the Game or do any of the above in relation to the adaptation.

These rights are exclusive to Codemasters throughout the Territories and relate to the entirety of the game, including (but not limited to) all literary and artistic works vested in the Game (computer programs falling within the definition of literary works).

Those who carry out any of the above acts or incite another to carry out any of the above acts without the copyright owner's permission (or in fact Codemasters) infringes the copyright vested in the Game.

As an exclusive licensee Codemasters has the same rights and remedies in respect of matters as if the license had been an assignment. Furthermore, Codemasters rights and remedies in law, as exclusive licensee of the Game, are concurrent with those of the copyright owner. This means that our enforcement rights are as if the copyright owner of the Game was enforcing its rights against you. We trust your "legal consultant" has informed you of this position.

These provisions can be found within the national laws of each Territory. We do not intend to repeat ourselves on your duties and responsibilities as host of the Forum.

Enforcement of Copyright in the Game Outside the Territories

In the event that the Forum is hosted (or otherwise) outside the Territories we remind you of the provisions set out in the Berne Convention for the Protection of Artistic and Literary Works 1886 (as amended) ("Berne Convention").

We would advise you to seek legal advice as to the scope and enforcement of copyright vested in the Game under the Berne Convention. The Berne Convention offers the same level of protection outside of the Territories as within the country where the Game was created as long as the country outside the Territory is a signatory to the Berne Convention.

In short, Article 2 of the Berne Convention offers protection to both literary and artistic works vested in the Game. For the avoidance of doubt, pursuant to Article 4 of The WIPO Copyright Treaty 1996 "literary works" includes (but not limited to) the protection of computer programs irrespective of expression.

You will also note that various rights are granted for enforcement of copyright in signatory countries of the Berne Convention, including Right of Translation

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(Article 8), Right of Reproduction (Article 9), Broadcasting and Related Rights (Article 11*bis*), Certain Rights in Literary Works (Article 11*ter*) and Right of Adaptation (Article 12) amongst others.

It is therefore clear that, as exclusive licensee, Codemasters not only has the right to enforce the copyright vested in the Game within the Territories, but the right to enforce the copyright vested in the Game within signatory countries of the Berne Convention.

Final Notice

We have clearly set out our case in respect of our rights in the Game and the enforcement of said rights, in order for you to consider your legal position. You have had ample opportunity to take legal advice on the same.

To date you have failed to take a commercially sensible approach to this matter and in doing so the infringing content on the Forum remains available to the public and within your control. You have failed to provide a substantive response to our letters dated 25 July 2006 and 03 August 2006 even though we have been more than reasonable in setting out our case and providing you with time to consider your legal position and respond.

We cannot allow this to continue and therefore put you on final notice to take down the Forum in accordance with our previous correspondence. Therefore in the event that you fail to provide a substantive response to each of the claims we have raised, supported with documentary evidence or alternatively confirmation that the Forum has been removed, we reserve the right to take appropriate action to seek redress against you personally. We look forward to hearing from you on or before 4.00pm 30th August 2006.

Yours faithfully,

A handwritten signature in blue ink that reads "Codemasters" with a long horizontal flourish underneath.

THE CODEMASTERS SOFTWARE COMPANY LIMITED

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