



Software Company Limited

03 August 2006

Dear Sirs,

The Codemasters Software Company Limited ('Codemasters')
Ragezone.com ('you')
<http://forum.ragezone.com/rf-online/> (the 'Forum')

Thank you for your email dated 02 August 2006.

In a final attempt to settle this matter amicably, we reiterate our position as follows:

Codemasters' Rights

1. We clearly set out in our letter dated 25 July 2006 that we are the exclusive licensee of all intellectual property vested in the MMOG 'RF Online'. We have the exclusive right to copy the RF Online game as well as issue copies, perform and communicate the RF Online game to the public at the exclusion of all others.

Copyright Designs and Patents Act 1988 ('CDPA')

2. We provided you with evidence set out in Exhibit C of our letter dated 25 July 2006 informing you that individuals were using the Forum directly under your control for the purposes of encouraging individuals to set up private RF Online servers. Your conclusion that the content posted by the Forum members is not illegal is fundamentally flawed for the following reasons:
 - a) Creating, copying and hosting the RF Online server is a right strictly reserved for Codemasters as exclusive licensee in accordance with sections 101 and 16 of the CDPA. You and those posting information on how to create a private RF Online server (facilitated by the copying/reverse engineering of the RF Online game/server under Codemasters control) is an infringement under section 16 (2) of the CDPA in that you and those posting the contents on the Forum are authorising "*another to do, any of the acts (namely copying) restricted by the copyright*". Your persistent failure to remove the Forum after being put on notice of its infringing content leads us to the conclusion that you are 'authorising' others to infringe our copyright.
 - b) We also remind you of section 24 (1) of the CDPA which states that "*Copyright in a work is infringed by a person who, without the licence of the copyright owner, (a) makes... an article specifically designed or adapted for making copies of that work, knowing or having reason to believe that it is to be used to make infringing copies.*" The information provided on the Forum enables others to create a private RF Online server and subsequently infringe the copyright vested in the game.

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These provisions are further aggravated by the fact that individuals are encouraged on the Forum to post or advertise their illegal private servers at <http://forum.ragezone.com/server-ad-zone/>.

The Electronic Communications (EC Directive) Regulations 2002 and Notice of Infringement

3. In accordance with The Electronic Communications (EC Directive) Regulations 2002 you are personally liable for the content on the Forum under your control if you do not take prompt and corrective action once put on notice of the infringing content found within the Forum. Our letter of 25 July 2006 together with the recent email correspondence between you and our Daniel Doherty clearly puts you on notice of the infringing acts, which to date you have failed to act on.

Injunctive Relief

4. In the event that you fail to remove the infringing content from the Forum, we reserve the right to apply to the courts for a mandatory injunction or any other injunctive relief in accordance with section 97A (1) of the CDPA to ensure that the Forum is removed. We also reserve the right to inform the court of your persistent failure to deal with this matter amicably. In the event that we have no option but to obtain injunctive relief we will of course seek to recover all or a substantial part of our costs from you personally.

Pre Action Protocol Procedures

5. We enclose as Annex A a copy of the Practice Direction Pre – Action Protocol. We have highlighted the relevant parts of the Protocol with particular focus on your obligation to provide a detailed response to our claim. We draw your attention to Practice Direction 3.3 where it states, *“The court is likely to treat this practice direction as indicating the normal, reasonable way of dealing with disputes. If proceedings are issued and parties have not complied with this specific protocol, it will be for the court to decide whether sanctions should be applied”*. If you are in any doubt as to your obligations under the Civil Procedure Rules or the merit of our claim we strongly recommend that you seek specialist legal advice.

We trust that further action will not be necessary in order to settle this dispute. However, we protect and defend our intellectual property rights vigorously and will not hesitate to take action against you in the event that the Forum is not removed.

We look forward to receiving confirmation that the Forum has been removed or a substantial response (in accordance with the Pre-Action Protocol) as to why you are of the view that the Forum is not infringing our rights.

Yours faithfully,



THE CODEMASTERS SOFTWARE COMPANY LIMITED