

JUDGE PRESKA

ROBERT BURCH, doing business
as ROBERT BURCH
COMMUNICATIONS,

Plaintiff,

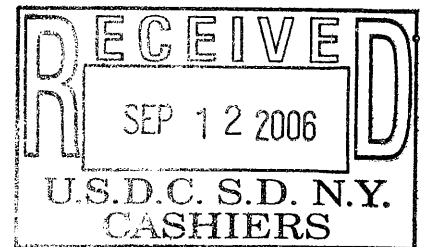
- vs. -

THOMAS NYARKO, doing business
as BLACK STAR TRAVEL AND
TOURS,

Defendant.

CIVIL ACTION NO.
06 CV 7022

COMPLAINT



Plaintiff, Robert Burch d/b/a Robert Burch Communications,
by and through his undersigned counsel, for his complaint
against Thomas Nyarko d/b/a Black Star Travel and Tours, states
as follows:

Jurisdiction and Venue

1. This is an action for copyright infringement arising
under the Copyright Act of 1976, as amended, 17 U.S.C.A. §§101
et seq.

2. This court has jurisdiction of the action by virtue of
28 U.S.C.A. §§1331 and 1338.

3. Venue is proper under 28 U.S.C.A. §§1391(b) and 1400(a)
because the claims arose within this district and each of the
defendants reside and are found within this district.

4. Plaintiff Robert Burch is an individual doing business as Robert Burch Communications. He is a professional photographer residing at 2725 St-Joseph Boulevard, Lachine, Quebec.

5. Defendant Thomas Nyarko is an individual doing business as Black Star Travel and Tours or Black Star Tours at 3832 White Plains Road, Bronx, New York ("Black Star"). Black Star is a travel agency.

Count One: Direct Copyright Infringement

6. Mr. Burch realleges and incorporates herein by reference each of the allegations in paragraphs 1 through 5 of the Complaint.

7. Mr. Burch's professional photography portfolio features, among its wide range of subjects, an unusual selection of photograph of people, places and things in exotic, hard-to-get-to locations such as the Ivory Coast in Africa, Ghana, Nigeria, the Serengeti, and West Africa.

8. As part of his extensive work as a travel photographer, Mr. Burch is involved with the tourist boards of several West African states pursuing the development of Western tourism in their countries.

9. His professional Internet website, <http://www.burchcom.com>, features a wide array of photographs

taken on his world travels at considerable expense and trouble and, in some cases, personal risk.

10. The website also features copyright notices as well as instructions and prices for those interested in licensing his work for their own use.

11. Attached to the Complaint as Exhibit A, and incorporated herein by reference, are true copies of copyrighted photographs. Each photograph attached to Exhibit A contains material wholly original with Mr. Burch and is copyrightable under the Copyright Act.

12. Mr. Burch has copyrighted each photograph in full compliance with the Copyright Act. A copy of the Certificates of Registration for the photographs in Exhibit A is attached as Exhibit B.

13. At all times relevant herein, Mr. Burch has been and still is the owner of the exclusive rights to reproduce and distribute, and to authorize the reproduction and distribution of the photographs in Exhibit A.

14. On the morning of June 12, 2006, while viewing a website related to events in Ghana, Mr. Burch happened to see a news story about a photographer who was sent to the World Cup tournament in Germany to report on Ghana's team and its progress during the World Cup matches. This news story acknowledged various benefactors that made the trip possible for the

photographer. Among those named were Black Star Tours of Bronx,

New York and its director Mr. Thomas Nyarko.

15. The news story provided a link to the Black Star Tours website. Because Mr. Burch is involved with tourism-related endeavors in Ghana, he was curious to see who these people are and what they offer, and followed the link to Black Star Tours' website, which was then found at <http://www.blackstartours.com>.

16. Mr. Burch was surprised to discover three of his photographs being used on the very first page of the website as part of a changing photo montage set to music. A copy of a screen shot of that web page is attached hereto as Exhibit C.

17. Upon further investigation of the inside pages of the website, he found one of these images used again as a smaller element, plus a fourth photo that had been altered without permission. Copies of screen shots of those web pages are attached hereto as Exhibit D.

18. Mr. Burch decided to contact Black Star Tours and inquire as to why his images were being used without permission.

19. On or about June 12, 2006, Mr. Burch made his first telephone call to Black Star, finally reaching him the following day, June 13, 2006.

20. The conversation between Mr. Burch and Mr. began on a cordial note, with Mr. Burch informing Mr. Nyarko that his photographs require a negotiated license for the already made by Black Star Tours, plus a license for continued usage. At this

point Mr. Nyarko became very agitated and began using abusive

language, including a number of expletives, and concluded with the admonishment to "never call [his] office again."

21. Mr. Burch then prepared an invoice setting forth the full amount of actual fees that Black Star Tours would have had to pay if it had used the services of one of plaintiff's online authorized agents to purchase licensing rights to his images. These rights are determined by the actual usage, placement on the website, duration of use, size of image and other factors. A monthly charge was determined for the six months of usage that Mr. Burch's investigation revealed, based on the dates and times on which the website code was uploaded, was the measure of time that three of the images were used, and three months of usage for the other two images (one of them being a smaller version of the previous three). An additional charge was made for the alteration of one image without consent. A copy of that invoice is attached hereto as Exhibit E.

22. On June 15, 2006, Mr. Burch then sent a Certified Mail envelope to Mr. Nyarko at the Bronx address from the U.S. Post Office at Champlain, NY. It arrived on June 17 at 12:17 pm. At that time there was no one to accept the envelope so a notice was left that it could be retrieved at the local post office. On July 5 it was still unclaimed and subsequently returned to Mr. Burch, the sender. This envelope contained Mr. Burch's initial

invoice along with printouts of fee pages and rates from his authorized online agent.

23. On July 1, 2006, Mr. Burch decided to once again view the website of Black Star Tours. On that date he was able to confirm that all of his photographs were still there and being used without permission.

24. Because, as of July 1, this usage constituted an additional month of usage, the initial invoice was revised to include additional charges. A true copy of the revised invoice is attached hereto as Exhibit F.

25. On July 11, 2006, Mr. Burch sent the revised invoice by Registered Mail from Canada and by regular mail at the same time. An attempt was made to deliver the envelope to the offices of Black Star Tours on July 14, 2006 but delivery was refused and subsequently the envelope containing this second attempt to notify Mr. Nyarko was returned to Mr. Burch.

26. The first-class letter was not returned, however.

27. On July 14, 2006, Mr. Burch was able to discover the facsimile number for Black Star Tours. He therefore sent a facsimile of the revised invoice to this fax number. A printout from Mr. Burch's fax machine indicated that the fax did go through. Later the same evening he received a return fax from Black Star Tours requesting that he send it again because a portion was not legible. On July 15, 2006, Mr. Burch re-sent

his invoice by fax to the offices of Black Star Tours. Once again, his machine indicated that it had been received.

28. On July 15, 2006, the Black Star Tours website went off-line, evidently because of defendant's failure to renew his domain name. Upon information and belief, Black Star Tours remains in business.

29. Defendant has refused to respond to any of the foregoing communications transmitted by Mr. Burch.

30. Upon information and belief, since at least January of 2006, Mr. Nyarko has from time to time acquired possession of Mr. Burch's photographs from the Internet and has duplicated the photographs, or has otherwise acquired unlawfully reproduced and utilized them to promote his business.

31. Mr. Burch has never authorized Mr. Nyarko to copy or duplicate any of his photographs or to utilize his photographs to promote his business.

32. Mr. Nyarko's acts, as alleged herein, are infringements of Mr. Burch's copyrights.

33. Mr. Nyarko has committed all of the aforesaid acts of infringement deliberately and willfully.

34. Mr. Nyarko has continued to infringe Mr. Burch's copyrights, and unless permanently enjoined by order of this Court, will continue to infringe Mr. Burch's copyrights, causing Mr. Burch irreparable harm.

35. Mr. Burch has sustained, and will continue to sustain, substantial injuries, loss and damage to his exclusive rights under the copyright laws regarding the photographs in Exhibit A, and Mr. Burch has sustained and will continue to sustain damages from the loss of value of the exclusive rights thereunder by reason of Mr. Nyarko's conduct.

PRAYER FOR RELIEF

WHEREFORE, Mr. Burch prays for judgment as follows:

1. That Mr. Nyarko be permanently enjoined from directly or indirectly:

(a) duplicating, manufacturing, copying or in any way utilizing, on the Internet or otherwise, any copyrighted photograph of which Mr. Burch is the copyright registrant, assignee or exclusive licensee;

(b) in any manner infringing or contributing to or participating in the infringement by others of any of Mr. Burch's copyrights in photographs.

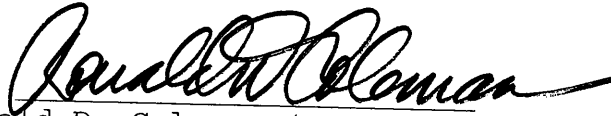
2. That Mr. Nyarko be required to deliver to Mr. Burch all materials, including electronic media and any printed brochures or other materials, utilizing Mr. Burch's copyrighted photographs, in any form, and all equipment used

for producing additional copies of Mr. Burch's copyrighted photographs, that are in his possession, held for delivery to them or under his control, as are herein alleged to infringe any of Mr. Burch's copyrights. At the time of delivery, Mr. Nyarko each must provide Mr. Burch with a sworn affidavit, signed before a notary public and two witnesses, stating that all unauthorized copies of Mr. Burch's copyrighted photographs, in any form, and all copies or printed or other materials utilizing copies of Mr. Burch's copyrighted photographs, that are in his possession, held for delivery to them or under his control, are being delivered to Mr. Burch.

3. Mr. Nyarko be required to pay to Mr. Burch statutory damages of up to \$30,000 for each of his copyright infringements with respect to each copyright. If the Court finds that any infringement was committed willfully, Mr. Burch prays for statutory damages of up to \$150,000 for each copyright for all willful infringements with respect to that photograph.

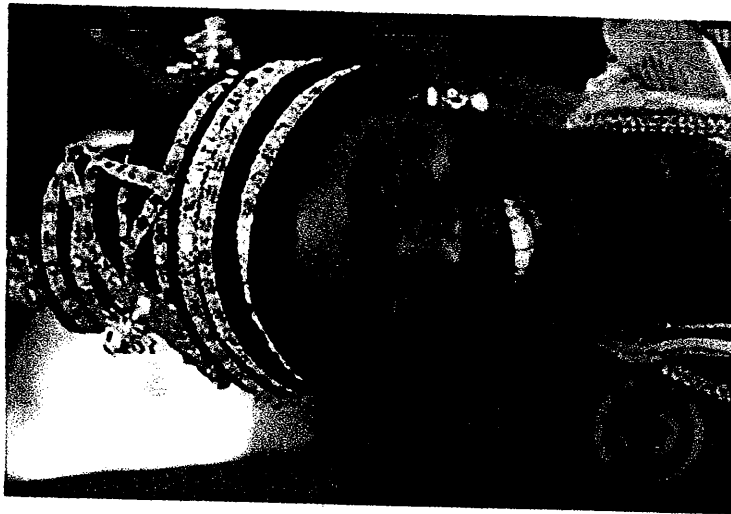
4. That Mr. Burch recover reasonable attorney's fees and costs of the suit incurred herein.

5. That Mr. Burch have such other relief as this Court deems just and proper.

By: 
Ronald D. Coleman (RC 3875)
885 Third Avenue, Suite 3040
New York, NY 10022
212-308-5858
212-486-0462 facsimile

Dated: August 30, 2006
New York, New York

Stock Photography



114385: Fanti Princess - Ghana

Enlarged comp view

Logged-in as Robert Burch

add to lightbox manage lightboxes

Price Calculator: Select the options below that best fit your usage.

Media Category: Web Advertising

Size: Pop-Up up to 400 x 500px

Number of Placements: Under 5 placements

Duration: 1 month

Usage Considerations: none

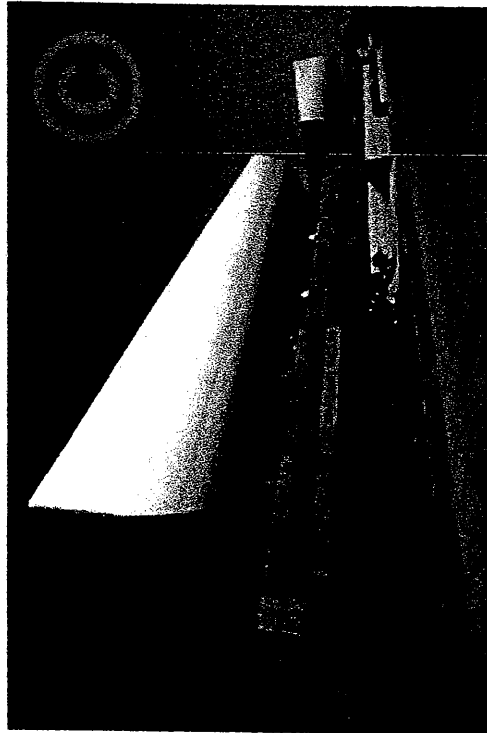
Geographic Distribution: Worldwide

Price in USD: \$2,000.70

Start Date: 31 January 2005

Industry Usage: Travel & Tourism

Stock Photography



114642: National Theatre - Accra, Ghana

Enlarged comp view

Logged-in as Robert Burch

add to lightbox manage lightboxes

Description:

The National Theatre in Accra, the capital of Ghana - West Africa.

Price Calculator: Select the options below that best fit your usage.

Media Category: Web Advertising

Size: Pop-Up up to 400 x 500px

Number of Placements: Under 5 placements

Duration: 1 month

Usage Considerations: none

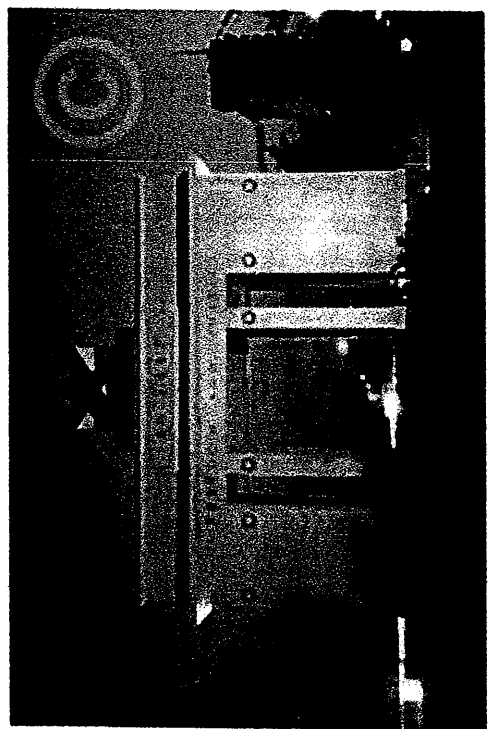
Geographic Distribution: Worldwide

Price in USD: \$2,000.70

Start Date: 31 January 2006

Industry Usage: Travel & Tourism

Stock Photography



114643: Independence Arch - Ghana
Enlarged comp view

Logged-in as Robert Burch

add to lightbox manage lightboxes

Description:

The Independence Arch monument at night, in Accra, the capital of Ghana - West Africa.

Price Calculator: Select the options below that best fit your usage.

Media Category: Web Advertising

Size: BannerAd

Number of Placements: Under 5 placements

Duration: 1 month

Usage Considerations: none

Geographic Distribution: Worldwide

Price in USD: \$1,000.35

Start Date: 27 April 2005

Industry Usage: Travel & Tourism

Stock Photography



113830: Ashanti Woodcarvings - Ghana

Enlarged comp view

Logged-in as Robert Burch

add to lightbox manage lightboxes

Description:

Traditional woodcarvers at work in the village of Ahwisa, known for the fine quality of royal stools (thrones), walking sticks and figurines. Ahwisa in the Ashanti Region of Ghana, West Africa.

Price Calculator: Select the options below that best fit your usage.

Media Category: Web Advertising

Size: Pop-Up up to 400 x 500px

Number of Placements: Under 5 placements

Duration: 1 month

Usage Considerations: none

Geographic Distribution: Worldwide

Price in USD: \$2,000.70

Start Date: 27 April 2006

Industry Usage: Travel & Tourism

Page 1 of 2
DO NOT WRITE HERE

MORE ON BACK - Complete all applicable spaces (numbers 5-9) on the reverse side of this page. See detailed instructions. Sign the form at line 8.

APPLICANT RECEIVED NOV 29 1999
TWO DEPOSITS RECEIVED NOV 29 1999
FUNDS RECEIVED NOV 29 1999

ROBERT M. BURCH
2726 ST. JOSEPH BLVD
LAFAYETTE, LOUISIANA

Year in Which Creation of This Work Was Completed: 1995
Nature of Authorship: 3-Dimensional sculpture, 2-Dimensional artwork, Reproduction of work of art, Jewelry design, Photograph, Map, Technical drawing, Architectural work, Text, Technical drawing.

Name of Author: ROBERT M. BURCH - PNR "BOB BURCH"
Dates of Birth and Death: Year Born, Year Died
Nature of Authorship: 3-Dimensional sculpture, 2-Dimensional artwork, Reproduction of work of art, Jewelry design, Photograph, Map, Technical drawing, Architectural work, Text, Technical drawing.

Name of Author: ROBERT M. BURCH - PNR "BOB BURCH"
Dates of Birth and Death: Year Born, Year Died
Nature of Authorship: 3-Dimensional sculpture, 2-Dimensional artwork, Reproduction of work of art, Jewelry design, Photograph, Map, Technical drawing, Architectural work, Text, Technical drawing.

NOTE: Under the law, the author of a work made for hire is generally the employer, not the employee, unless the work was part of the employee's normal job duties. For any work that was made for hire, the employer is the author for purposes of this Act. The above information is provided for the use of the Copyright Office and is not to be used for any other purpose.

Published in a periodical or serial form: Volume, Number, Date
If published in a periodical or serial form, the information about the collective work in which the contribution appeared. This of Collective Work. All proceeds are the property of Robert (Bob) Burch unless printed differently to grant tourist board.

PREVIOUS OR ALTERNATIVE TITLES: GRANN TOURIST BOARD BROCHURE
TITLE OF THIS WORK: COLLECTION OF 28 PHOTOGRAPHS BY BURCH USED IN THE WORK

DO NOT WRITE ABOVE THIS LINE, IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.
NATURE OF THIS WORK: See instructions.
EFFECTIVE DATE OF REGISTRATION: Nov. 29 1999

FORM VA
UNITED STATES COPYRIGHT OFFICE
VA 993-954
MAYBETH GATOR



CERTIFICATE OF REGISTRATION

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Page 1 of 2
DO NOT WRITE HERE

MORE ON BACK > • Complete all applicable spaces (numbers 5-9) on the reverse side of this page. • See detailed instructions.

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. >

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. >
ROBERT M BURCH
2725 ST JOSEPH BLVD
LACK ME, QUEBEC H8S 1B7 CANADA

FOR THE AUTHOR'S USE ONLY
FUNDS RECEIVED
TWO DEPOSITS RECEIVED
ONE DEPOSIT RECEIVED
APPLICATION RECEIVED

Year in Which Creation of This Work Was Completed 1999
Date and Nation of First Publication of This Particular Work
MAY 26 1999 USA - CANADA - CANADA

NATURE OF AUTHORSHIP Check appropriate boxes. See instructions.
 3-Dimensional sculpture
 2-Dimensional artwork
 Reproduction of work of art
 Map
 Photograph
 Jewelry design
 Technical drawing
 Text
 Architectural work

Was this contribution to the work a "work made for hire"?
Author's Nationality or Residence: USA
OR
Country of Origin: CANADA
Was this Author's Contribution to the Work Anonymous? Yes No
Pseudonym? Yes No

NAME OF AUTHOR >
ROBERT M BURCH
Year Born > 1948
Year Died >

NATURE OF AUTHORSHIP Check appropriate boxes. See instructions.
 3-Dimensional sculpture
 2-Dimensional artwork
 Reproduction of work of art
 Map
 Photograph
 Jewelry design
 Technical drawing
 Text
 Architectural work

Was this contribution to the work a "work made for hire"?
Author's Nationality or Residence: USA
OR
Country of Origin: CANADA
Was this Author's Contribution to the Work Anonymous? Yes No
Pseudonym? Yes No

NAME OF AUTHOR >
ROBERT M BURCH
Year Born > 1948
Year Died >

Published in a periodical or serial give: Volume > Number > Issue Date > On Page >

Publication as a Contribution: If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appears. Title of Collective Work >

TITLE OF THIS WORK >
NOMAD PERIPH INTERNET WEBSITE
PREVIOUS OR ALTERNATIVE TITLES >
TEXT, GRAPHICS, PHOTOGRAPHS

NATURE OF THIS WORK >
INTERNET WEBSITE

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

REGISTER OF COPYRIGHTS
United States of America

EFFECTIVE DATE OF REGISTRATION
AUG 07 2000

FORM VA
VA 1-058-317

OFFICIAL SEAL
THE LIBRARY OF CONGRESS
UNITED STATES COPYRIGHT OFFICE

CERTIFICATE OF REGISTRATION

Exhibit C

Blackstar Travel & Tours - Netscape

File Edit View Go Bookmarks Tools Window Help

http://www.blackstartours.com/

Search Free AOL & U... Internet Lookup NewCool Netcaster RealPlayer Ho... GHATOF.com ... ghstartoursm...

New Tab Blackstar Travel & Tours

skip intro

sound on

If YOU have any TRAVEL PROBLEMS!

Waiting for www.blackstartours.com...

Blackstar Travel & To... Preview and Enhance... Blackstar Travel & To...

U.S. Star

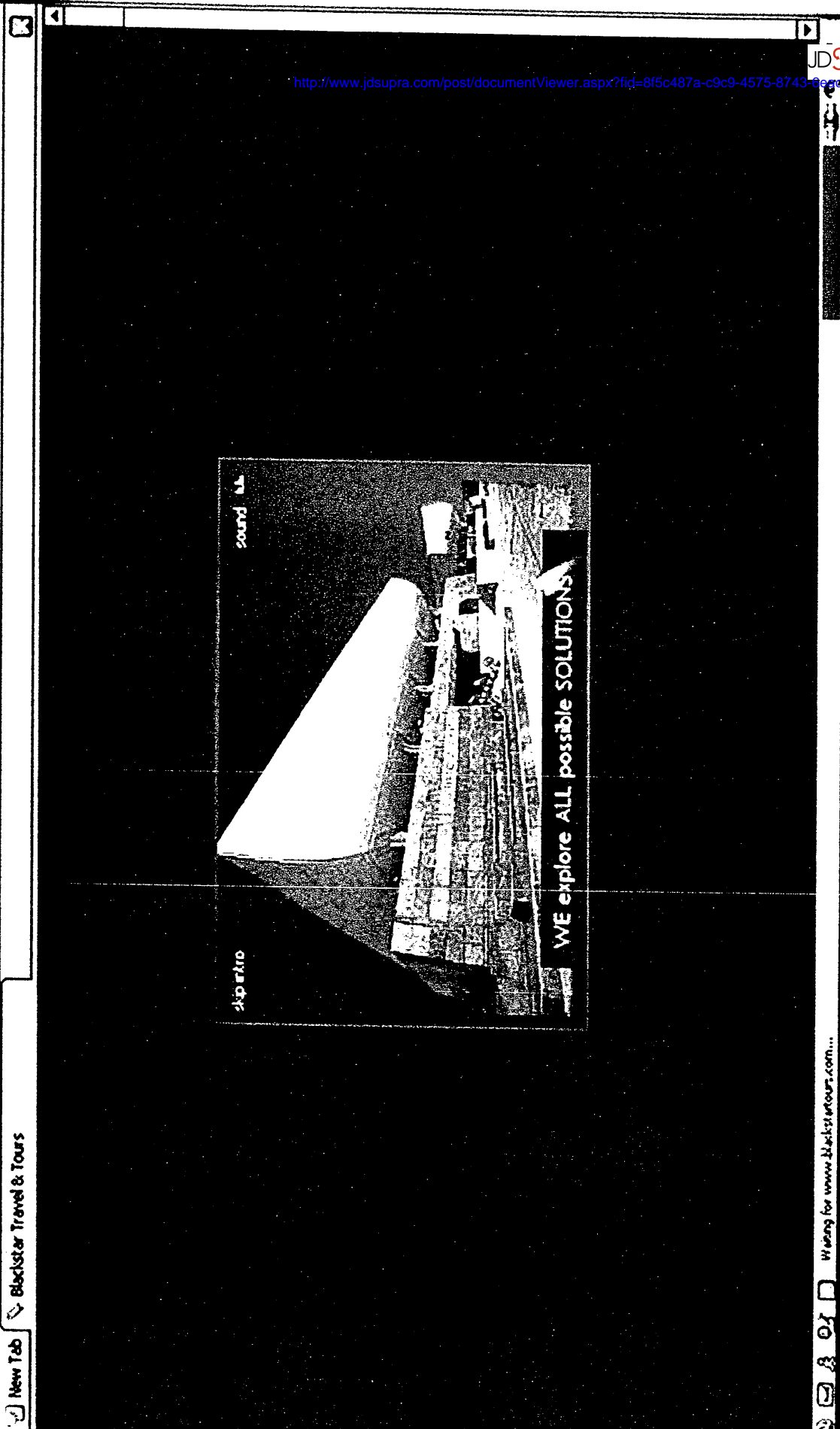
Blackstar Travel & Tours - Netscape

File Edit View Go Bookmarks Icons Window Help

http://www.blackstartours.com/

Home [M] Netscape Search Free AOL & U... Internet [E] Lookup [C] NewCool [C] NetCaster [C] RealPlayer Ho... [C] GHATOF.com ... [C] ghantourism....

New Tab [C] Blackstar Travel & Tours



skp retro

sound all

WE explore ALL possible SOLUTIONS

Waiting for www.blackstartours.com...

Blackstar Travel & To...

Blackstar Travel & To...

Preview and Enhance...

Blackstar Travel & To...

Blackstar Travel & Tours - Netscape

File Edit View Go Bookmarks Tools Window Help

http://www.blackstartours.com/

Home Netscape Search Free AOL & U... Internet NewCode Netcester RealPlayer Ho... GHATOF.com ... GhanaTourism...

New Tab Blackstar Travel & Tours



Warning for www.blackstartours.com...

Blackstar Travel & To... Preview and Enhance... Blackstar Travel & To...

Exhibit D

Blackstar Travel & Tours - The Standard for Adventure - NetScape

File Edit View Go Bookmarks Tools Window Help

http://blackstartours.com/main.html

Home NetScape Search Free AOL & U... Internet LookUp NewCool NetCaster RealPlayer Ho... GHATCF.com... ghanaTourism...

New Tab Blackstar Travel & Tours - The Standard fo...

Page Info

General Links Meta Security Privacy

Blackstar Travel & Tours - The Standard for Adventure:

URL: http://blackstartours.com/main.html

Type: text/html

Render Mode: Quirks mode

Source: Disk Cache

Encoding: UTF-8

Size: 2.66 KB (2725 bytes)

Referring URL: http://www.blackstartours.com/

Modified: Thursday, April 27, 2006 1:01:54 PM

Expires: Saturday, June 17, 2006 12:01:40 AM

Meta:

Name	Content
context-type	text/html; charset=UTF-8

Travel to places you've never seen before with Blackstar TOUR

HOME TOURS DESTINATIONS HOTEL RESERVATIONS

Ghana

Blackstar Travel & Tours presents exclusive packages best-buy tickets to the World Cup 2006

SEE YOU IN GERMANY 2006

Welcome to Blackstar

We set the standards. Your next life-changing adventure is only a mouse click or phone call away. As a top-notch leader in travel and tourism, Blackstar Travels & Tour Agency sets you on tracks with breathtaking scenes from around the world - while you enjoy the best activities at unbeatable prices.

Quick Book

From To

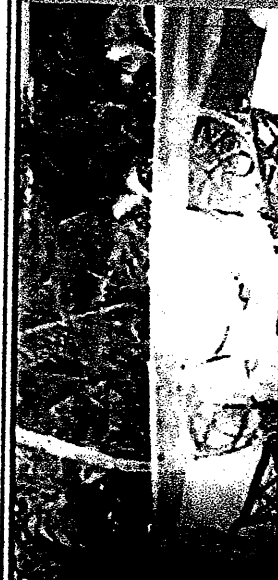
Days

BLACKSTAR TRAVELS

FOR THE WORLD CUP GERMANY 2006



Travel to places you've never seen before with Blackstar TOUR



HOME TOURS DESTINATIONS

Page Info

General Forms Links Media Security Privacy

Blackstar Travel & Tours - The Standard for Adventure:

URL: http://blackstartours.com/main.html
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Modified: Thursday, April 27, 2006 1:01:54 PM
Expires: Saturday, June 17, 2006 12:01:40 AM
Meta:

Table with 2 columns: Name, Content. Row 1: content-type, text/html; charset=UTF-8

OFFERS

in set for

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any al
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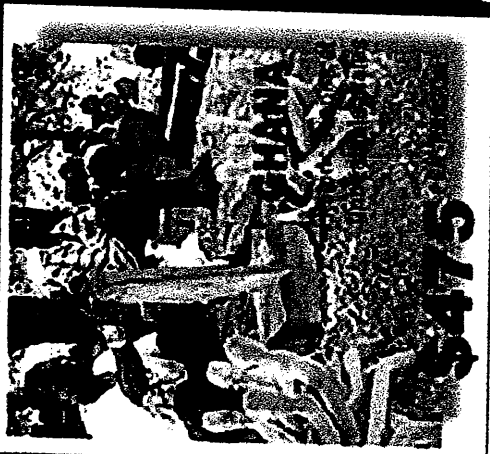


Exhibit E

2725 St-Joseph Boul, Lachine, Quebec, H8S 4B7
 Tel: (514) 637-5139 CANADA Fax: (514) 637-5431
 email: burchcom@total.net

Please remit above fees to: Robert Burch Communications – at the address below.

cc: Ronald D. Coleman – Intellectual Property Attorney

In addition to the fees being assessed and for me to seek legal remedy, the above fees are not negotiable. You may avoid additional fees by removing all of the images before July 1, 2006. Non-payment of this invoice and continued unauthorized usage of my photographs will result in additional fees being assessed and for me to seek legal remedy.

Mr. Nyarko: Due to your refusal to discuss a resolution to this situation with me by phone, or to agree to remove my photographs from your website to avoid further charges, and in accordance with your instruction "not to call your office again", I am submitting this invoice to you by USPS Registered Mail.

The Independence Arch image was registered with the United States Copyright Office on November 29, 1999 – Registration Number VA-993-954. The other three images were registered with the United States Copyright Office on August 7, 2000 – Registration Number VA-1-058-317.

These licensing fees have been determined in accordance with the fees charged by one of my Licensed Agents in Chicago, IL – U.S.A. www.Myloupe.com. Please refer to the enclosed sheets for reference.

This amount is due within 10 days of the invoice Postmark. TOTAL: \$46,015.75 US

\$ 6,002.10 US	Licensing fee of \$2,000.70 per month for 3 months (April to June, 2006)
\$12,004.20 US	Used as a major element for a Tour Advertisement in an interior page Photo of Woodcarver in Ahwiaa – Ashanti Region, Ghana
\$ 1,000.00 US	Licensing fee of \$2,000.70 per month for 6 months (Jan. to June, 2006) Used as a major element in a "flash" montage – advertising – home page Photo of the National Theatre in Accra, Ghana
\$12,004.20 US	The resulting modification is a gross distortion of the photograph – fee charged: This image has also been altered without photographer's permission. Licensing fee of \$2,000.70 per month for 6 months (January to June, 2006)
\$ 3,001.05 US	Used as a major element in a "flash" montage – advertising – home page Photo of Fant Princess in Cape Coast – Ghana (no model release) Licensing fee of \$1,000.35 per month for 3 months (April to June, 2006)
\$12,004.20 US	Used again as a minor element in an interior page - advertising Photo of Independence Arch in Accra, Ghana Licensing fee of \$2,000.70 per month for 6 months (January to June, 2006) Used as a major element in a "flash" montage – advertising – home page Photo of Independence Arch in Accra, Ghana

They have been used for the months specified without permission or payment of Licensing Fees.

The following photos are the Copyrighted Intellectual Property of Robert M. Burch.

Re: Licensing Fees for Unauthorized Usage of Copyrighted Photos for Advertising Purposes on Website: www.blackstartours.com

INVOICE #1063 – June 15, 2006

Mr. Thomas Nyarko
 Black Star Tours
 3832 White Plains Road
 Bronx, New York 10467
 Tel: (718) 515-5352 Fax: (718) 515-3132

Robert Burch Communications
 Internet: www.burchcom.com

Exhibit F

2725 St-Joseph Boul., Lachine, Quebec, H8S 4B7
Tel: (514) 637-5139 CANADA Fax: (514) 637-5431
email: burchcom@total.net

Please remit above fees to: Robert Burch Communications – at the address below.

cc: Ronald D. Coleman – Intellectual Property Attorney

The above fees are not negotiable. You may avoid additional fees by removing all of the images before July 1, 2006. Non-payment of this invoice and continued unauthorized usage of my photographs will result in additional fees being assessed and force me to seek legal remedy. (images still there on July 1)

Mr. Nyarko: Due to your refusal to discuss a resolution to this situation with me by phone, or to agree to remove my photographs from your website to avoid further charges, and in accordance with your instruction "not to call your office again", I am submitting this invoice to you by Registered Mail.

The Independence Arch image was registered with the United States Copyright Office on November 29, 1999 – Registration Number VA-993-954. The other three images were registered with the United States Copyright Office on August 7, 2000 – Registration Number VA-1-058-317.

These licensing fees have been determined in accordance with the fees charged by one of my Licensed Agents in Chicago, IL – U.S.A. www.Myloupe.com. Please refer to the enclosed sheets for reference.

Photo of Independence Arch in Accra, Ghana	Used as a major element in a "flash" montage – advertising – home page	Licensing fee of \$2,000.70 per month for 7 months (January to July, 2006)	\$14,004.90 US
Photo of Independence Arch in Accra, Ghana	Used again as a minor element in an interior page - advertising	Licensing fee of \$1,000.35 per month for 4 months (April to July, 2006)	\$4,011.40 US
Photo of Fanti Princess in Cape Coast – Ghana (no model release)	Used as a major element in a "flash" montage – advertising – home page	Licensing fee of \$2,000.70 per month for 7 months (January to June, 2006)	\$14,004.90 US
Photo of the National Theatre in Accra, Ghana	The resulting modification is a gross distortion of the photograph – fee charged:		\$1,000.00 US
Photo of Woodcarver in Ahwiaa – Ashanti Region, Ghana	Used as a major element for a Tour Advertisement in an interior page	Licensing fee of \$2,000.70 per month for 7 months (Jan. to June, 2006)	\$14,004.90 US
Photo of Independence Arch in Accra, Ghana	Used as a major element for a Tour Advertisement in an interior page	Licensing fee of \$2,000.70 per month for 4 months (April to June, 2006)	\$8,002.80 US
TOTAL:			\$55,017.40 US

This amount is due immediately.

The following photos are the Copyrighted Intellectual Property of Robert M. Burch. They have been used for the months specified without permission or payment of Licensing Fees.

Re: Licensing Fees for Unauthorized Usage of Copyrighted Photos for Advertising Purposes on Website: www.blackstartours.com

INVOICE #1063 – June 15, 2006 (Revised July 1, 2006)

Tel: (718) 515-5352 Fax: (718) 515-3132

3832 White Plains Road

Bronx, New York 10467

Black Star Tours

Mr. Thomas Nyarko

Robert Burch Communications
Internet: www.burchcom.com