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🌐 global.com
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Radio Africa Limited
Lion Place
Waiyaki Way
Westlands
Nairobi
Kenya

**VIA FACEBOOK MESSENGER ONLY TO:
m.me/SmoothFMKenya**

URGENT LEGAL CORRESPONDENCE

1 October 2019

Dear Sirs

Infringing use of Smooth Radio copyrighted materials

For the avoidance of doubt, references to “we”, “us” and “our” in this letter are references to Global Radio Services Limited (“**Global**”).

Global is the owner of the copyright in the following Smooth Radio logo:



(the “**Smooth Logo**”)

Global also owns the copyright in the content published on the Smooth Radio Facebook page (www.facebook.com/smooth.radio) (the “**Smooth Facebook Page**”). Such content includes, but is not limited to, the cover photo shown at **Annex 1** to this letter (the “**Smooth Cover Artwork**”) and the posts shown at **Annex 2** (the “**Smooth Posts**”).

Your infringing use

It has come to our attention that you have published unauthorised copies of the Smooth Logo, the Smooth Facebook Cover Artwork and the Smooth Posts via the following Facebook page: <https://www.facebook.com/SmoothFMKenya/> (the “**Infringing Facebook Page**”). We outline at **Appendix 3** examples of such infringing copies. As is clearly evident from the side-by-side comparison shown at Appendix 3, you have copied a substantial part of the Smooth Logo, the Smooth Cover Artwork and the Smooth Posts.

This reproduction occurred without our consent, and therefore constitutes copyright infringement.



Next steps

We would prefer to resolve this matter with you amicably and quickly, without the need for legal action. In the circumstances, we require you to undertake as follows:

- to immediately delete the Infringing Facebook Page (i.e. <https://www.facebook.com/SmoothFMKenya/>); and
- to cease all further use of Global's copyrighted materials (including any materials relating to other radio stations within the Global group).

If you wish to take up these preferential terms and thereby avoid the need for legal proceedings, please sign and date a copy of this letter (where indicated below) and return it to us by email to jeremy.hoffman@global.com by **5pm BST on 4 October 2019**. If we do not hear from you by this deadline, we reserve our rights to bring proceedings against you, without further notice. In the meantime, all our rights are fully reserved.

Yours faithfully



Global Legal Department

We confirm our agreement to the above terms and undertake to comply with them.

.....
Signed for and on behalf of Radio Africa Limited

Print name:

Date:

Annex 1

Smooth Cover Artwork



Location of original image:

<https://www.facebook.com/smooth.radio/photos/a.10150614083682825/10155623315537825/?type=3&theater>

Date of publication: 4 June 2018

Annex 2

Smooth Posts

 **Smooth Radio**
23 September at 19:00

You've earned it, Berry!



SMOOTHRADIO.COM
Motown founder Berry Gordy announces retirement at 89: 'I have come full circle'

   69 5 comments 6 shares

 Like  Comment  Share

Most relevant ▾

 Write a comment...    

Press Enter to post

 **Brian Minshall** Thank you Mr Gordy, what an incredible achievement and legacy you leave behind you, cheers and enjoy your retirement.

[Like](#) [Reply](#) 2d

 **Smooth Radio**
24 September at 17:01

This may have made us tear up a little bit... 💜



SMOOTHRADIO.COM
Paul McCartney "often dreams" about old friend John Lennon: "They're always good"

   103 13 shares

 Like  Comment  Share

 Write a comment...    

Press Enter to post



Smooth Radio

19 September at 19:00

Love The Devil Wears Prada? You'll surely be excited to hear it's returning as a musical, with music written by Sir Elton John! We're booking our tickets already...



57

29 comments 5 shares

Like

Comment

Share

Most relevant



Write a comment...





Lorraine Guyon Wonderful and intriguing movie with a great ending.

Like Reply 54

Annex 3

Comparison of the original works and the infringing content

Original work	Infringing content (as published on the Infringing Facebook Page)
 The original logo for Smooth 105.5 FM, featuring the word "Smooth" in white, bold, sans-serif font on a red-to-purple gradient wavy background.	 The infringing logo, which is a copy of the original "Smooth" logo but includes the text "105.5 FM" in a smaller, black, sans-serif font to the right of the word "Smooth".


Original work (as published on the Smooth Facebook Page)




Infringing content (as published on the Infringing Facebook Page)



Original work (as published on the Smooth Facebook Page)

 Smooth Radio
23 September at 19:00

You've earned it, Berry!



SMOOTH RADIO.COM
Motown founder Berry Gordy announces retirement at 89: 'I have come full circle'

👍👎👤 69 5 comments 6 shares

Like Comment Share


Most relevant

Write a comment...


Press Enter to post

Brian Minshall Thank you Mr Gordy, what an incredible achievement and legacy you leave behind you. cheers and enjoy your retirement.
Like Reply 20

Infringing content (as published on the Infringing Facebook Page)

 Smooth FM Kenya
25 September at 07:45

You've earned it, Berry!
Motown founder Berry Gordy announces retirement at 89: 'I have come full circle' #TheMoreMusicMornings #Smooth1055



👍👎👤 11 1 comment

Like Comment Share

Most relevant


Write a comment...


Press Enter to post

Ngumbau Muoki The Legend!
Like Reply 20




Original work (as published on the Smooth Facebook Page)




Smooth Radio
24 September at 17:01


This may have made us tear up a little bit... 



SMOOTH.RADIO.COM
Paul McCartney "often dreams" about old friend John Lennon: "They're always good"

 103   13 shares

 Like  Comment  Share

 Write & comment...
Press Enter to post.

Infringing content (as published on the Infringing Facebook Page)

Smooth FM Kenya
25 September at 07:11

This may have made us tear up a little bit... 

Paul McCartney "often dreams" about old friend John Lennon: "They're always good"

#TheBeatles #TheMoreMusicMornings #Smooth1055



 12    7 comments

 Like  Comment  Share

 Write a comment...
Press Enter to post.

Original work (as published on the Smooth Facebook Page)



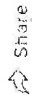
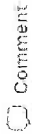
Smooth Radio
19 September at 19:00 · 🌐

Love The Devil Wears Prada? You'll surely be excited to hear it's returning as a musical, with music written by Sir Elton John! We're booking our tickets already...



👍👍👍 57

29 comments 5 shares



Most relevant ▾



Write a comment...

PHOTO SHARED TO BOAST



Lorraine Guyon Wonderful and intriguing movie with a great ending.

Like · Reply · 50



Write a comment...

PHOTO SHARED TO BOAST



Lorraine Guyon Wonderful and intriguing movie with a great ending.

Like · Reply · 50

Infringing content (as published on the Infringing Facebook Page)



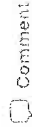
Smooth FM Kenya
20 September at 05:19 · 🌐

Love The Devil Wears Prada? You'll surely be excited to hear it's returning as a musical, with music written by Sir Elton John! We're booking our tickets already...
#TheMoreMusicMornings #Smooth1055



👍 9

2 comments



Most relevant ▾



Write a comment...

PHOTO SHARED TO BOAST



Ngumbau Muoki Wow! I hope it will be big!

Like · Reply · 1w



Jobdown Kariuki I will be there

Like · Reply · 1w