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Paris, December 20th, 2016

By Registered Letter : RK 04 933 698 5 FR

Cease and desist letter

Subject : GETTY IMAGES / RYANHEALY.COM

Sir,

I am the legal adviser of the company GETTY IMAGES.

The company GETTY IMAGES is the biggest global database. Its main activity is the supply, development and worldwide distribution of online images, videos and music under which many communication professionals made use.

Indeed, it enjoys an established reputation both domestically and internationally.

However, my client found many comments which seriously jeopardize its practice on your web site <http://ryanhealy.com>, and more precisely at the following address :

<http://www.ryanhealy.com/getty-images-extortion-letter/>
<http://www.ryanhealy.com/attack-of-the-trollogs/>

Indeed, the combination of the words « GETTY IMAGES » and « extortion », on the search engine Google bring us directly to your web site.

Furthermore, the regularity of the methods and of the proceedings used by our client had also been questioned, it has been accused to send "**extortion letters**".

Please find bellow some of the litigious statements contained in your article :

Getty Images Extortion Letter

"In July of 2011, I received a letter from Getty Images.

The letter claimed I was in violation of copyright. But the letter was not a typical Cease and Desist. Rather, it demanded the removal of the image from my site, plus a settlement payment of \$1,065 to Getty Images.

My first reaction was shock.

- How had I violated copyright?*
- And why would Getty demand so much money for such a pedestrian image?*
- Why not send a simple Cease and Desist letter like a normal business would?*

The Getty "extortion" letter contained a copy of the image in question, as well as the URL where they had found it."

Getty Counters My Offer to Settle

"The letter my law firm sent to Getty included my offer to settle for \$157. Why did I use this figure?

Because I looked up the exact image on Getty's website and found that \$157 was the cost to license that image for two years in a web editorial format. (Today, October 2, 2012, that same license can be purchased for \$110.)

Never mind that the image had only been on my site for a period of eight months. I figured I'd be generous in my offer to settle just to bring the issue to a close.

But Getty would not accept my offer.

I found this puzzling because of the following statement that was included in their "extortion" letter:"

How the Getty Extortion Machine Works

"Getty's business model is only loosely based on licensing images. It would be more accurate to say their business is based on owning as many images as possible and then trying to collect outrageous "damages" from people who accidentally violate copyright.

Right now, Getty has software that scans the Internet 24/7 looking for images that have been reproduced without a proper license. When the software identifies a potential copyright violator, their standard extortion letter is generated and mailed immediately.

And that's only the start of their "legal" extortion machine.

They have armies of entry-level employees who handle the back-and-forth correspondence that inevitably happens when an online business owner gets caught in the machine.

Eventually, you may cave and send the settlement amount that Getty has requested.

Or you may hold out and your case will be elevated from a lowly staffer to an attorney who will threaten you with a lawsuit.

Getty's strategy is fairly clear: Use copyright law to scare people into paying stupid amounts of money for images that, under normal circumstances, cost very little to license.

You see, images on the Internet are ubiquitous. Pair that with relatively low demand and it creates a situation where it's difficult to charge premium prices. Getty's answer?

Use copyright law in a way it was never intended to be used — as a way to force ordinary folks to cough up thousands of dollars for some pixels on a screen.”

Attack of the Trollogs! Plus More Thoughts about Getty Extortion Letters

Those Who Disagree with Getty's Extortion Letters Say...

A List of Photo Resellers to Avoid

“If you disagree with the use of settlement demand letters that ask for extortionate amounts of money from innocent infringers, then you can vote with your dollars and take your business elsewhere.

The following companies are known to issue tens of thousands of settlement demand letters every year, many of which are sent to innocent infringers:

- **Getty Images**
- **iStockphoto (owned by Getty)**
- **Masterfile**
- **Corbis Images**
- **Jupiter Images**
- **Superstock**

Regardless of the outcome of my particular case, I will no longer support these companies. I recommend you avoid them also.”

The Trollogs Can Whine All They Want...

“...but I will no longer do business with them, nor the agencies they contract with to demand thousands of dollars from innocent infringers.

Remember: I do not in any way advocate stealing photos or violating copyright. That's why I've personally purchased licenses from iStockphoto for about 15 or 20 photos.

But Getty doesn't care, and neither do the trollogs. They want to rake me over the coals and force me to cough up a thousand bucks for an honest mistake.

That's why I'm writing about this issue.

You need to be extremely careful about the images you use — and you need to know about the potential consequences of improperly using an unlicensed image.

-Ryan M. Healy

P.S. If you've received an extortion letter from Getty or any other photo reseller, make sure you visit [Extortion Letter Info.](#)”

In addition, not only your article, but also the comments attached, incite others to violate GETTY IMAGES rights. According to the judgment given by the First Civil Division of the French Supreme Court on the 12th of July 2012, this is particularly intolerable and reprehensible.

Please find below some of the litigious statements:

Sabrina - October 9, 2012

"Yup. Been there.

Got the extortion letter. Extortion Letter Info forums were a real help.

In my case the image was part of a website template paid for by an organization for which I was an affiliate. Thankfully that company stood with me and covered the final fee that was negotiated. (We started way above \$1,065...)

Your comment, "their business is based on owning as many images as possible and then trying to collect outrageous "damages" from people who accidentally violate copyright" should be taken very seriously."

John Breese - October 9, 2012

"Wow.

I've always been disgusted by companies who aren't clever or hard-working enough to make their money legitimately and resort to these tactics to make money.

If anyone at Getty Images / iStockphoto is reading this, you can forget all about getting any of my business.

Maybe we should try digging up photographer's collectives that offer their members' work for license without the Mafia tactics"

Ryan M. Healy - October 10, 2012

"John – Thanks for boycotting Getty / iStockphoto. Maybe we can bring the company down by voting with our dollars"

Ryan M. Healy - October 10, 2012

"That's a crazy story, Ellie. It brings up the point that there are multiple photo companies using this "extortion" strategy.

Getty, Masterfile, and Corbis are all known to send out settlement demand letters"

Walt Goshert - October 9, 2012

"No more Getty, iStockPhotos, or Flickr (with the push of a button, photos on Flickr can be licensed to Getty)

This has Chris Dodds corrupt, money-grubbing in the name of protecting intellectual property finger prints all over it...

Did he some way weasel his way onto the board of Getty?"

Perry - October 10, 2012

"Sort of makes me want to start my own microstock agency. There are a bunch out there. I doubt there is a need to be as predatory as they are. If its a blatant stealing for commercial purposes a cease and desist would be appropriate. The fees they seek are out of line though"

Ryan M. Healy - October 11, 2012

"I had the same thought... start a microstock agency that doesn't use the nasty business tactics. :-)"

Ryan M. Healy - October 11, 2012

*"Alistair – I appreciate your comment. I'm well aware of the investments required to be a photographer. I'm also aware of the different types of licenses. And, yes, **I still feel Getty is a predatory company that seeks to take advantage of people.**"*

John Breese - October 11, 2012

"Alistair,

Honestly, you strike me as a very frustrated individual. I know this because I used to be a frustrated author struggling to get by and that's why I can totally understand how you feel.

However, by hating on Ryan, you're hating the player, when you should be hating the game. As Ryan mentioned, he's had his intellectual property stolen. And you know what? So have I. Makes your blood boil, doesn't it?

But here's the thing...thieves will abound in any economic environment. Ryan Healy isn't a thief, he's merely an entrepreneur who hired a contractor that didn't take proper care in his duties.

Now, because Ryan "technically" violated Getty's policies, the company has jumped on him in a predatory manner. So predatory in fact, that there's no doubt they intentionally rig the image market to lead exactly to this.

Know what? Many large phone companies do this too. Why do they do this? Well, it's no different than fishing...drop enough lines into the waters and you will get bites.

They know just enough people will bite into their BS for this practice to be lucrative.

*Alistair, **Getty Images does not give a rat's ass about you, your work or what you're due. You're nothing more than a pretense to them.***

So here's my tip to you...

...first, apologize to Ryan.

Second, read his material and apply it to your profession. The old-school direct marketing tactics you'll learn here will make you a lot more successful in your domain.

If the only way a photographer (or writer) can get paid is by using Mafia tactics...they don't deserve to live off their craft."

Ryan M. Healy - October 12, 2012

*"Alistair – Thanks for clarifying your intent. I do see Getty's side of the argument, but **I still strongly disagree with the "damages" they claim they should be owed. That's the part I view as extortion**"*

Michael - October 15, 2012

*"I have set up my finances so that I am pretty much judgement proof for situations as you describe **with the Getty Images extortion letters.** Although I wouldn't intentionally violate copyrights, **I wouldn't give in to Getty's extortion, either.** If they sent me a letter telling me that my offer wasn't good enough and that they would want me to pay thousands more, I'd send them a response along the lines of "take it or leave it."*

Joseph Ratliff - October 15, 2012

"With the sheer amount of content online, there HAS to be two images, one owned by Getty (or company represented by them) and one owned by another photographer somewhere... does Getty get to sue them?

I mean, seriously, this situation seems a lot like the "patent troll" style of litigation to me."

Walt Goshert - October 15, 2012

"Ryan,

Thanks for the mention.

What's sad about the Getty Blitzkrieg of Flickr is it really hurts the small photographer who is trying to spread his work and attract real paying clients. On all the Flickr photos I used, I messaged the photographer and asked for use on my site.

Everyone said yes. None wanted cash payment. They wanted payment in kind- a photo credit link back to their Flickr photo and stream.

Getty's action has destroyed that marketing outlet for photographers to market on Flickr. It's too risky to take the chance of Getty doing an after the fact, end run"

Ryan M. Healy - October 15, 2012

" It's too risky to take the chance of Getty doing an after the fact, end run."

Exactly.

Just imagine if you got a letter claiming copyright infringement on 5 or 10 different images. The settlement demand could run you \$10,000 up to \$30,000. (!!!)

You'd have to take out a five-year car loan to pay a settlement of that size."

Ryan M. Healy - October 16, 2012

"My "little" blog reaches a few thousand online business people who create products and websites and pay for stock photography.

Also, Harry, I would prefer if you not bully my kids to begin with.

[crickets]

Oh, wait, I'm not actually implying Harry has bullied my kids or any kids. So to clear this issue up, HARRY HAS NEVER BULLIED MY KIDS.

Harry – Can you see how your words implied that I had stolen pictures from you?

And can you see that many people will only read portions of comments and will not proceed in a chronological order from all 200+ comments in the previous thread before reading through the comments on this thread?

Anyway, I find your comments and responses exasperating.

Getty and other companies are issuing settlement demand letters for what I feel are extortionate amounts of money. Nothing you've written has changed how I feel.

I now recommend a boycott on Getty and other companies like them to avoid legal hassles."

Those acts of gross disparagement seriously damage GETTY IMAGES' image.

This article discredits the services offered by my client. Moreover, it calls into question its seriousness and honesty by accusing it, in a totally unfunded manner, to be the author of dubious proceedings.

According to a judgment given by the Commercial Division of the French Supreme Court on the 15th of December 2009, disparagement is to discredit someone **by spreading criticisms and malicious information about it or its business methods.**

Moreover, on the 5th of June 2002, the Paris District Court ruled that **interactions between web users on discussion forums which comments obviously contain fraud imputations and questionable practices exceed the limits of the liberty of expression. Indeed, it reaches denigration which impair the honor and do not respect the dignity to whom it is directed.**

Thus, as the registrant of the web site, you are responsible for the information disclosed on it, notably regarding their reliability, veracity or completeness.

Under the judgment given by the First Civil Division of the French Supreme Court on the 5th of July 2006, you shall observed the most elementary prudence concerning the content of the comments disclosed.

Yet, in this case, those statements have undeniably exceeded the right to criticize.

Furthermore, those statements incite to violate GETTY IMAGES' rights, which is particularly intolerable.

Indeed, it is suggested to web users to deny their legal obligations toward my client. They are being discouraged from answering her letters of formal notice and from paying the sums due for the reproduction of an image owned by my client without its approval.

Besides, in your article you also discuss the strategies and tactics allowing the violation of my client's rights with impunity.

Please find bellow some of the litigious statements:

Here's What Happened...

"Basically, I had hired a person to help build a website. He had written a blog post about constipation.

Then, to illustrate the concept, he used a picture he found on another website with a link back to the original source. The picture showed a boy sitting on a toilet, from the bathroom floor up to the boy's knees.

As a result, Getty Images pulled my information from the "Who Is" database and mailed me their "extortion" letter.

At first, I thought I could just ignore Getty. I thought they might drop the issue if I waited them out."

What Should You Do If You've Gotten a Letter from a Copyright Troll?

"After doing some research, I found the ELI network. "ELI" is short for Extortion Letter Info.

The site is run by Matthew Chan and Oscar Michelen, both of whom are "dedicated to reporting information and providing commentary on Getty Images (and other stock photo) Settlement Demand Letters."

When I found the site, I began to read some of the articles and forum posts. I was relieved to discover that I wasn't alone — and shocked to discover how common these settlement demand letters have become.

After receiving Getty's response to my offer to settle, I paid \$50 to speak with Matthew Chan. It was money well spent. He was able to answer my questions and give me a clear picture of what to expect.

If you've gotten an "extortion letter" from Getty or any other copyright troll:

- I strongly recommend you visit Extortion Letter Info.***
- I recommend you pay for a 30-minute consultation with Matthew Chan (now \$59).***
- And I recommend you read the ELI forums to educate yourself.***

This will provide you with the information you need to make a smart decision.

And it may provide you with the confidence and support you need to stand up to Getty and other copyright trolls.

EDIT: I published a lengthy follow-up to this post here: Attack of the Trollogs! And More Thoughts about Getty Extortion Letters

-Ryan M. Healy"

Audit Your Sites Now – Before Getty Does

"Just like Google uses a "spider" that crawls and indexes your websites, so Getty has a program called PicScout that scans images across the web looking for potential copyright violations."

A List of Photo Resellers to Avoid

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P.S. If you've received an extortion letter from Getty or any other photo reseller, make sure you visit Extortion Letter Info.

Indeed, on the 12th of July 2012, the First Civil Division of the French Supreme Court ruled that the incitement of criminal act is reprehensible.

As a result you shall **withdraw every indication disparaging my client** on your website.

If you do not comply with this letter of formal notice within 8 days from the date of its receipt and, in any case, before the 28th of December, I had been instructed to initiate all appropriate action against you.

We truly hope we will not go that far, and that we will quickly manage to settle this matter.

Pursuant to our professional rules, we are available to discuss this case with your usual adviser.

Yours sincerely,


Vanessa Bouchara