

FORM 1
(Order 3 Rule 4)
General Form of Writ of Summons

IN THE FEDERAL HIGH COURT
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT LAGOS

303

SUIT NO: FHC/L/CS/...../2018

BETWEEN:

1. AKOJI AGENI - YUSUF
2. EAGLE EYE PRODUCTION LIMITED } PLAINTIFFS

AND

1. SAMSUNG ELECTRONICS WEST AFRICA LIMITED }
2. RINGIER NIGERIA LIMITED } DEFENDANTS

To: (1) SAMSUNG ELECTRONICS WEST AFRICA LIMITED of Plot
13/14, Ligali Ayorinde Street, Victoria Island, Lagos, Nigeria.
(2) RINGIER NIGERIA LIMITED of 3, Stella Ogunleye, Lekki Peninsula
Estate Scheme 1, Lekki, Lagos, Nigeria.

You are hereby commanded that within **thirty (30) days** after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in an action at the suit of: (i) **AKOJI AGENI - YUSUF** and (ii) **EAGLE EYE PRODUCTION LIMITED**; and take notice that in default of your so doing the Plaintiffs may proceed therein, and judgment may be given in your absence.

DATED THIS 26th DAY OF FEBRUARY 2018


.....
Registrar

Memorandum to be subscribed on the writ

N.B. - This Writ is to be served within twelve calendar months from the date thereof or, if renewed, within six calendar months from the date of the last renewal, including the day of such date and not afterwards.

The defendant may enter appearance personally or by legal practitioner either by handing in the appropriate forms, duly completed, at the Registry of the Federal High Court of the Judicial Division in which the action is brought or by sending them to the Registry by registered post.

Endorsement to be made on the writ before issue thereof -

The Plaintiffs claim the following reliefs against the Defendants jointly and severally:

- i. **A DECLARATION** that the Plaintiffs are the owners of the copyright over the cinematograph film known as "*Lekki Ikoyi Link Bridge at Night*" containing carefully captured and edited scenes of aerial views of: (i) the Lekki Ikoyi link bridge ("**Bridge**") **without the cable pylon**; and (ii) the cable pylon in the middle of the Bridge (both hereinafter referred to as the "*Scenes*");
- ii. **A DECLARATION** that the Plaintiffs are the only persons entitled to grant to the Defendants, or any other person, the right to use the Scenes or cause same to be published to the public;
- iii. **A DECLARATION** that the Scenes in the 1st Defendant's "*Nightlife in Lagos with Galaxy Note8*" video are the same as the Scenes in the Plaintiffs' "*Lekki Ikoyi Link Bridge at Night*";
- iv. **A DECLARATION** that the Scenes in the 1st Defendant's "*Nightlife in Lagos with Galaxy Note8*" video, constitute an infringement of the Plaintiffs' copyright in the *Scenes*, since the Defendants have neither sought nor obtained the Plaintiffs' authorization to publish the Scenes in the *Nightlife in Lagos with Galaxy Note8* video;
- v. **A DECLARATION** that by virtue of the relationship between the Defendants, the Defendants are jointly and severally liable to the Plaintiffs for the infringement of the Plaintiffs' copyright in the *Scenes*;
- vi. **AN ORDER OF PERPETUAL INJUNCTION** restraining the Defendants, by themselves, their agents, servants, privies, successors-in-title or such other persons howsoever described, acting on their behalf, and/or behest, from further infringing by way of unlawful use, on the Plaintiffs' copyright in the Scenes and/or any other part of the Plaintiffs' cinematograph film known as "*Lekki Ikoyi Link Bridge at Night*";
- vii. **DAMAGES** against the Defendants jointly and severally in the sum of **₦65,000,000.00** (Sixty-Five Million Naira); and
- viii. Cost of the action.

[Handwritten signature]

This Writ was issued by Mrs. Abimbola Akeredolu, SAN; Chinedum Umeche, Esq., Adeola Agunbiade, Esq., and Oluwamayokun David, Esq., all of Banwo & Ighodalo whose address for service is: 98, Awolowo Road, South-West Ikoyi, Lagos, Legal Practitioner for the said Plaintiffs whose address is 12, Samuel Ogedengbe Crescent, off Mike Akhigbe Way, Jabi, Abuja Federal Capital Territory, Nigeria.

Endorsement to be made on copy of writ forthwith after service:

This writ was served by me aton the Defendants by on the day of.....20... Endorsed the day of 2018.

(Signed).....
Address.....



IN THE FEDERAL HIGH COURT
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT LAGOS

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Suit No: FHC/L/CS/...../2018

BETWEEN:

1. AKOJI AGENI - YUSUF
2. EAGLE EYE PRODUCTION LIMITED } PLAINTIFFS

AND

1. SAMSUNG ELECTRONICS WEST AFRICA LIMITED }
2. RINGIER NIGERIA LIMITED } DEFENDANTS

STATEMENT OF CLAIM

The Plaintiffs

1. The 1st Plaintiff is a digital entrepreneur, and a shareholder and director in the 2nd Plaintiff.
2. The 2nd Plaintiff is a private limited liability company registered under the laws of the Federal Republic of Nigeria, carrying on the production of videos, and media services in Nigeria. The 2nd Plaintiff has its registered address at 12, Samuel Ogedengbe Crescent, off Mike Akhigbe Way, Jabi, Abuja Federal Capital Territory, Nigeria.
3. The Plaintiffs jointly own the copyright in the cinematograph film known as "*Lekki Ikoyi Link Bridge at Night*" which was published on the YouTube platform, on April 11, 2015 and April 16, 2016.

The Defendants

4. The 1st Defendant is a private limited liability company registered under the laws of the Federal Republic of Nigeria, and is in the business of marketing, distribution, and sale of electrical and electronic devices in Nigeria in the 'Samsung' brand name. The 1st Defendant carries on its business at Plot 13/14, Ligali Ayorinde Street, Victoria Island, Lagos, Nigeria, within the jurisdiction of this Honourable Court.

5. In promoting the Samsung Galaxy Note8 brand in Nigeria, the 1st Defendant, procured the making of the video- "*Nightlife in Lagos with Galaxy Note8*", and published same on its YouTube channel.
6. The 2nd Defendant produced the video - "*Nightlife in Lagos with Galaxy Note8*", for the benefit and use of the 1st Defendant (as admitted in the 2nd Defendant's Solicitor's letter dated November 2, 2017). The 2nd Defendant carries on its business at 3 Stella Ogunleye, Lekki Peninsula Estate Scheme 1, Lekki, Lagos within the jurisdiction of this Honourable Court.
7. By virtue of the above, the Plaintiffs shall contend at the trial of this suit, that the Defendants are jointly and severally liable for infringement of the Plaintiffs' copyright in the "*Lekki Ikoyi Link Bridge at Night*" video.

Lekki Ikoyi Link Bridge at Night

8. The Plaintiffs are the owners of the copyright in the cinematograph film known as "*Lekki Ikoyi Link Bridge at Night*" which they published on the YouTube platform, on April 11, 2015 and April 16, 2016, under the names - Akoji Ageni - Yusuf and Eagle Eye respectively.
9. The Plaintiffs aver that "*Lekki Ikoyi Link Bridge at Night*" is a cinematograph film of the cable-stayed Lekki Ikoyi Link Bridge (the "**Bridge**"). The film captures the Bridge's immediate environs (including the skyline and cars on the Bridge) and the manner in which the said environs interact with light at night.
10. The Plaintiffs aver that in order to produce a very artistic and captivating video, the 1st Plaintiff expended a lot of time and resources in capturing and editing life on, and around the Bridge. The 1st Plaintiff's objective was to produce a truly captivating and beautiful video. *The Plaintiffs hereby plead and shall, at the trial of this suit, rely on the Flash Drive containing the cinematograph film known as "Lekki Ikoyi Link Bridge at Night".*
11. The Plaintiffs further aver that the highlights of the "*Lekki Ikoyi Link Bridge at Night*" film are the carefully captured and edited scenes of aerial views of: (i) the cable-stayed Lekki Ikoyi link bridge ("**Bridge**") without the cable pylon (the "**First Scene**"); and (ii) the cable pylon in the middle of the Bridge (the "**Second Scene**") (both hereinafter referred to as the "**Scenes**"). *The Plaintiffs plead and shall rely on the Screenshots of the Scenes, at the trial of this suit.*

The 1st Defendant's Nightlife in Lagos with Galaxy Note8

12. On October 16, 2017, the 1st Defendant published the "*Nightlife in Lagos with Galaxy Note8*" video to the public on its YouTube channel. However, in publishing the said video, the 1st Defendant utilized the Scenes from the

the Plaintiffs' *"Lekki Ikoyi Link Bridge at Night"* as part of a marketing strategy to promote the sale of its high-end device – the Samsung Galaxy Note8, in order to increase its appeal to potential customers.

13. Indeed, this strategy yielded the desired result as the video garnered about 24,488 (Twenty-Four Thousand, Four Hundred and Eighty-Eight) views from the public within 48 hours of its publication. *The Plaintiffs plead and shall rely on the Screenshots from the 1st Defendant's YouTube channel showing the number of views on October 18, 2017, at the trial of this suit.*
14. The 1st Defendant has about 3,000 (Three Thousand) registered subscribers on its YouTube Channel.
15. The Plaintiffs aver that when a comparison is made between the Scenes in the Plaintiffs' *"Lekki Ikoyi Link Bridge at Night"* and that contained in the 1st Defendant's *"Nightlife in Lagos with Galaxy Note8"*, (using the Screen Shots), the sameness of the Scenes cannot be missed (both to the ordinary eye and at a cursory glance).

PARTICULARS OF SAMENESS

The Cable-Stayed Lekki Ikoyi Link Bridge ("Bridge") Without the Cable Pylon- The First Scene

- (i) There are six (6) visible cars on the Bridge in both the Plaintiffs' Video and the 1st Defendant's Video with the same lighting;
- (ii) The interaction of the lights with the cars at the rear of the Bridge, is exactly the same, in both the Plaintiffs' Video and the 1st Defendant's Video.
- (iii) The cars in the 1st Defendant's Video is located at the exact spots that they appear in the Plaintiffs' Video; and the illumination in the environment in both videos are exactly the same;
- (iv) The reflection of light on the right side of the Bridge, is exactly the same and at the same spots in both Videos;
- (v) The reflection of the interaction of the light and the environment at the background (i.e. at the top left and top right corners of the first Scene), is exactly the same in both Videos;

The cable pylon in the middle of the Bridge- The Second Scene.

- (vi) The interaction of light on and around the Cable pylon, is exactly the same in both Videos;

- (vii) The interaction of light in the background of the scene is exactly the same in both Videos.
16. Based on the foregoing particulars, the Plaintiffs aver that the Defendants merely copied the Scenes in the Plaintiffs' work for their financial gain.

PARTICULARS

- (i) The 1st Defendant used the Scenes contained in its video "**Nightlife in Lagos with Galaxy Note8**" to promote the sale of its high-end device- the Samsung Galaxy Note8 which cost about ₦300,000 (Three Hundred Thousand Naira) per device. Buttressing this point, the 1st Defendant inserted a rider "*Enjoy the Lagos Nightlife with Galaxy Note 8*" in the infringing publication and described itself as the publisher of the video.
- (ii) As revealed by the 1st Defendant, the 2nd Defendant received compensation for "**producing**" the *Enjoy the Lagos Nightlife with Galaxy Note 8* video which in real terms substantially copied works already created by the Plaintiffs.
- (iii) The infringing video was published by the 1st Defendant on its (1st Defendant's) YouTube Channel without first seeking and obtaining the Plaintiffs' authorization, thereby taking credit for and deriving financial benefit from the Plaintiffs' artistic work.
17. The Plaintiffs aver that upon becoming aware of the 1st Defendant's publication of the Scenes in the "*Nightlife in Lagos with Galaxy Note8*" video, the Plaintiffs caused their Solicitors to write a "*cease and desist letter*" to the 1st Defendant.
18. As such, by a letter dated October 31, 2017, the Plaintiffs' Solicitors informed the 1st Defendant that the "*Nightlife in Lagos with Galaxy Note8*" video contains scenes which were copied from the Plaintiff's work - "*Lekki Ikoyi Link Bridge at Night*".
19. By the said letter, the 1st Defendant was urged to cease and desist from using and continuing to use the Scenes without the Plaintiff's authorisation. ***The Plaintiffs plead and shall at the trial of this suit; rely on a copy of the said Plaintiff Solicitors' letter dated October 31, 2017. The 1st Defendant is hereby given Notice to Produce the original copy of the said letter.***
20. In response to the October 31, 2017 letter, the Plaintiffs received a letter dated October (sic) 7, 2017 from the 1st Defendant, to the effect that the said infringing "*Nightlife in Lagos with Galaxy Note8*" video was created for it by the 2nd Defendant who was engaged by one Cheil Communications

Limited. *The Plaintiffs plead and shall at the trial of this suit rely on the 1st Defendant's letter, dated October (sic) 7, 2017.*

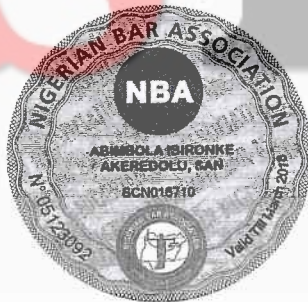
21. Almost within the same period, the Plaintiffs' Solicitors received another letter from the 2nd Defendant's Solicitors restating the statements contained in the 1st Defendant's letter dated October (sic) 7, 2017 (that the 2nd Defendant produced the infringing "*Nightlife in Lagos with Galaxy Note8*" video on behalf of the 1st Defendant). *The Plaintiffs plead and shall at the trial of this suit, rely on the 2nd Defendant's Solicitor's letter, dated November 2, 2017.*
22. By letters dated November 6, 2017 and November 14, 2017, the Plaintiffs' Solicitors responded to the 1st Defendant's letter dated October (sic) 7, 2017 and the 2nd Defendant's Solicitor's letter dated November 2, 2017. *The Plaintiffs plead and shall rely on their Solicitor's letter, dated November 6, 2017 and November 14, 2017, at the trial of this suit. The 1st Defendant and 2nd Defendant are hereby given respective Notice to Produce the original copy of the Plaintiff's Solicitors Letters dated November 6, 2017 and November 14, 2017.*
23. The Plaintiffs aver that the Defendants have unjustly benefitted from the Plaintiff's effort, creativity and substantial financial and human resources invested in the production of the "*Lekki Ikoyi Link Bridge at Night*" video.
24. In conclusion, the Plaintiffs shall contend at the trial of this suit, that the person who authorizes the production of a work which infringes the copyrights of another, and the person who actually produces the infringing work, are both culpable for copyright infringement.

WHEREOF the Plaintiffs claim as follows:

- (i) **A DECLARATION** that the Plaintiffs are the owners of the copyright over the cinematograph film known as "*Lekki Ikoyi Link Bridge at Night*" containing carefully captured and edited scenes of aerial views of: (i) **the Lekki Ikoyi link bridge ("Bridge") without the cable pylon; and (ii) the cable pylon in the middle of the Bridge** (both hereinafter referred to as the "Scenes");
- (ii) **A DECLARATION** that the Plaintiffs are the only persons entitled to grant to the Defendants, or any other party, the right to use the Scenes or cause same to be published to the public;
- (iii) **A DECLARATION** that the Scenes in the 1st Defendant's "*Nightlife in Lagos with Galaxy Note8*" video are the same as the Scenes in the Plaintiffs' "*Lekki Ikoyi Link Bridge at Night*";

- (iv) **A DECLARATION** that the Scenes in the 1st Defendant's "*Nightlife in Lagos with Galaxy Note8*" video, constitute an infringement of the Plaintiffs' copyright in the Scenes, since the Defendants have neither sought nor obtained the Plaintiffs' authorization to publish the Scenes in the "*Nightlife in Lagos with Galaxy Note8 video*";
- (v) **A DECLARATION** that by virtue of the relationship between the Defendants, the Defendants are jointly and severally liable to the Plaintiffs for the infringement of the Plaintiffs' copyright in the Scenes;
- (vi) **AN ORDER OF PERPETUAL INJUNCTION** restraining the Defendants, by themselves, their agents, servants, privies, successors-in-title or such other persons howsoever described, acting on their behalf, and/or behest, from further infringing by way of unlawful use, on the Plaintiffs' copyright in the Scenes and/or any other part of the Plaintiffs' cinematograph film known as "Lekki Ikoyi Link Bridge at Night";
- (vii) **DAMAGES** against the Defendants jointly and severally in the sum of **₦65,000,000.00** (Sixty-Five Million Naira); and
- (viii) Cost of the action.

DATED THIS 26TH DAY OF FEBRUARY, 2018



[Signature]
 ABIMBOLA AKEREDOLU, SAN
 CHINEDUM UMECHE ESQ.
 ADEOLA AGUNBIADE ESQ.
 OLUWAMAYOKUN DAVID, ESQ.
 BANWO & IGHODALO

Plaintiff's Counsel
 98 Awolowo Road
 South- West Ikoyi
 Lagos

litigation@banwo-ighodalo.com

FOR SERVICE ON:

THE 1st DEFENDANT
 SAMSUNG ELECTRONICS WEST AFRICA LIMITED
 Plot 13/14, Ligali Ayorinde Street,
 Victoria Island,
 Lagos, Nigeria

THE 2nd DEFENDANT
 RINGIER NIGERIA LIMITED
 3 Stella Ogunleye Street



Lekki Peninsula Estate Scheme 1,
Lekki, Lagos, Nigeria.

ewsroom

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1. AKOJI AGENI - YUSUF
2. EAGLE EYE PRODUCTION LIMITED } PLAINTIFFS

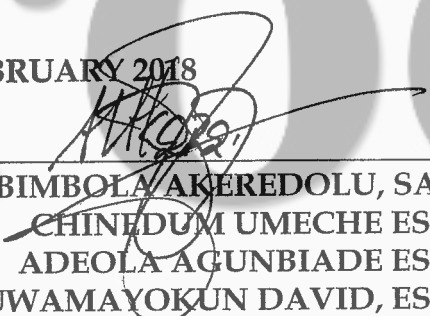
AND

1. SAMSUNG ELECTRONICS WEST AFRICA LIMITED }
2. RINGIER NIGERIA LIMITED } DEFENDANTS

LIST OF WITNESS

1. Mr. Akoji Ageni-Yusuf.

DATED THIS 26TH DAY OF FEBRUARY 2018


ABIMBOLA AKEREDOLU, SAN ✓
CHINEDUM UMECHE ESQ.
ADEOLA AGUNBIADE ESQ.
OLUWAMAYOKUN DAVID, ESQ.
BANWO & IGHODALO
Plaintiff's Counsel
98 Awolowo Road
South- West Ikoyi
Lagos
litigation@banwo-ighodalo.com

FOR SERVICE ON:

THE 1st DEFENDANT
SAMSUNG ELECTRONICS WEST AFRICA LIMITED
Plot 13/14, Ligali Ayorinde Street,
Victoria Island,
Lagos, Nigeria

THE 2nd DEFENDANT
RINGIER NIGERIA LIMITED
3 Stella Ogunleye Street
Lekki Peninsula Estate Scheme 1,



Lekki, Lagos, Nigeria.

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2. EAGLE EYE PRODUCTION LIMITED } PLAINTIFFS

AND

1. SAMSUNG ELECTRONICS WEST AFRICA LIMITED }
2. RINGIER NIGERIA LIMITED } DEFENDANTS

WITNESS STATEMENT ON OATH

I, *Akoji Ageni-Yusuf*, Male, Adult, and Nigerian Citizen of 12, Samuel Ogedengbe Crescent Off Mike Akhigbe Way Jabi, Abuja Federal Capital Territory, Nigeria, do hereby make oath and state as follows:

1. I am a digital entrepreneur, and a shareholder and director in the 2nd Plaintiff; by virtue of which, I am conversant with the facts of this suit.
2. The 2nd Plaintiff is a private limited liability company registered under the laws of the Federal Republic of Nigeria, carrying on the production of videos, and media services in Nigeria. The 2nd Plaintiff has its registered address at 12, Samuel Ogedengbe Crescent, off Mike Akhigbe Way, Jabi, Abuja Federal Capital Territory, Nigeria.
3. I confirm that I have the requisite permission of the 2nd Plaintiff to make this Witness Statement, and to give evidence in this suit.
4. The 2nd Plaintiff and I, jointly own the copyright in the cinematograph film known as "*Lekki Ikoyi Link Bridge at Night*" which was published on the YouTube platform, on April 11, 2015 and April 16, 2016.

The Defendants

5. I know that the 1st Defendant is a private limited liability company registered under the laws of the Federal Republic of Nigeria, and is in the business of marketing, distribution, and sale of electrical and electronic devices in Nigeria in the 'Samsung' brand name. The 1st Defendant carries on its business at Plot 13/14, Ligali Ayorinde Street,

Victoria Island, Lagos, Nigeria, within the jurisdiction of this Honourable Court.

6. I know that in promoting the Samsung Galaxy Note8 brand in Nigeria, the 1st Defendant procured the making of the video titled "*Nightlife in Lagos with Galaxy Note8*", and published same on its YouTube channel.
7. I know that the 2nd Defendant produced the video - "*Nightlife in Lagos with Galaxy Note8*", for the benefit and use of the 1st Defendant, (as admitted in the 2nd Defendant's Solicitor's letter dated November 2, 2017). The 2nd Defendant's carries on its business at 3 Stella Ogunleye, Lekki Peninsula Estate Scheme 1, Lekki, Lagos within the jurisdiction of this Honourable Court.
8. By virtue of the above, I know that the 2nd Plaintiff and I, shall contend at the trial of this suit, that the Defendants are jointly and severally liable for infringement of our copyright in the "*Lekki Ikoyi Link Bridge at Night*" video.

Lekki Ikoyi Link Bridge at Night

9. As earlier stated, the 2nd Plaintiff and I, are the owners of the copyright in the cinematograph film known as "*Lekki Ikoyi Link Bridge at Night*" which was published on the YouTube platform, on April 11, 2015 and April 16, 2016, under the names - Akoji Ageni-Yusuf and Eagle Eye respectively.
10. I know that "*Lekki Ikoyi Link Bridge at Night*" is a cinematograph film of the cable-stayed Lekki Ikoyi Link Bridge (the "**Bridge**"). The film captures the Bridge's immediate environs (including the skyline and cars on the Bridge) and the manner in which the said environs interact with light at night.
11. In order to produce a very artistic and captivating video, I expended a lot of time and resources in capturing and editing life on, and around the Bridge. My objective was to produce a truly captivating and beautiful video. *I shall rely on the Flash Drive containing the cinematograph film known as "Lekki Ikoyi Link Bridge at Night" at the trial of this suit.*
12. I know that the highlights of the "*Lekki Ikoyi Link Bridge at Night*" film are the carefully captured and edited scenes of aerial views of: (i) the cable-stayed Lekki Ikoyi link bridge ("**Bridge**") without the cable pylon (the "**First Scene**"); and (ii) the cable pylon in the middle of the Bridge (the "**Second Scene**") (both hereinafter referred to as the

“Scenes”). I shall rely on the Screenshots of the Scenes, at the trial of this suit.

The 1st Defendant’s Nightlife in Lagos with Galaxy Note8

13. I know that on October 16, 2017, the 1st Defendant published the *“Nightlife in Lagos with Galaxy Note8”* video to the public on its YouTube channel. However, in publishing the said video, the 1st Defendant utilized the Scenes from the *“Lekki Ikoyi Link Bridge at Night”* as part of a marketing strategy to promote the sale of its high-end device – the Samsung Galaxy Note8, in order to increase its appeal to potential customers.
14. Indeed, this strategy yielded the desired result as the video garnered about 24,488 (Twenty-Four Thousand, Four Hundred and Eighty-Eight) views from the public within 48 hours of its publication. *I shall rely on the Screenshots from the 1st Defendant’s YouTube channel showing the number of views on October 18, 2017.*
15. I also know that the 1st Defendant has about 3,000 (Three Thousand) registered subscribers on its YouTube Channel.
16. I know that when a comparison is made between the Scenes in the *“Lekki Ikoyi Link Bridge at Night”* and that contained in the 1st Defendant’s *“Nightlife in Lagos with Galaxy Note8”*, the sameness in the Scenes cannot be missed (both to the ordinary eye and at a cursory glance).

PARTICULARS OF SAMENESS

The Cable-Stayed Lekki Ikoyi Link Bridge (“Bridge”) Without the Cable Pylon- The First Scene

- (viii) There are six (6) visible cars on the Bridge in both the Plaintiffs’ Video and the 1st Defendant’s Video with the same lighting;
- (ix) The interaction of the lights with the cars at the rear of the Bridge, is exactly the same, in both the Plaintiffs’ Video and the 1st Defendant’s Video.
- (x) The cars in the 1st Defendant’s Video is located at the exact spots that they appear in the Plaintiffs’ Video and the illumination in the environment in both videos are exactly the same;
- (xi) The reflection of light on the right side of the Bridge, is exactly the same and at the same spots in both Videos;

- (xii) The reflection of the interaction of the light and the environment at the background (i.e. at the top left and top right corners of the first Scene), is exactly the same in both Videos;

The cable pylon in the middle of the Bridge- The Second Scene.

- (xiii) The interaction of light on and around the Cable pylon, is exactly the same in both Videos;
- (xiv) The interaction of light in the background of the scene is exactly the same in both Videos.

17. Based on the foregoing particulars, I know that the Defendants merely copied the Scenes in the *"Lekki Ikoyi Link Bridge at Night"* for their financial gain.

PARTICULARS


- (iv) I know that the 1st Defendant used the Scenes contained in its video *"Nightlife in Lagos with Galaxy Note8"* to promote the sale of its high-end device- the Samsung Galaxy Note8 which cost about ₦300,000 (Three Hundred Thousand Naira) per device. Buttressing this point, the 1st Defendant inserted a rider *"Enjoy the Lagos Nightlife with Galaxy Note 8"* in the infringing publication and described itself as the publisher of the video.
- (v) As revealed by the 1st Defendant, the 2nd Defendant received compensation for **"producing"** the *Enjoy the Lagos Nightlife with Galaxy Note 8* video which in real terms substantially copied works already created by the 2nd Plaintiff and me.
- (vi) The infringing video was published by the 1st Defendant on its (1st Defendant's) YouTube Channel without first seeking and obtaining the authorization of the 2nd Plaintiff and I, thereby taking credit for, and deriving financial benefit from my artistic work.
18. Upon becoming aware of the 1st Defendant's publication of the Scenes in the *"Nightlife in Lagos with Galaxy Note8" video*, our Solicitors wrote a *"cease and desist letter"* to the 1st Defendant.
19. As such, by a letter dated October 31, 2017, our Solicitors informed the 1st Defendant that the *"Nightlife in Lagos with Galaxy Note8"* video contains scenes which were copied from the *"Lekki Ikoyi Link Bridge at Night" video*.
20. By the said letter, the 1st Defendant was urged to cease and desist from using and continuing to use the Scenes without the authorisation of the 2nd Plaintiff

and me. *I shall rely on a copy of the said letter dated October 31, 2017, at the trial of this suit.*

21. In response to the October 31, 2017 letter, we received a letter dated October (sic) 7, 2017 from the 1st Defendant, to the effect that the said infringing "*Nightlife in Lagos with Galaxy Note8*" video was created for it by the 2nd Defendant who was engaged by one Cheil Communications Limited. *I shall rely on the 1st Defendant's letter, dated October (sic) 7, 2017, at the trial of this suit.*
22. Almost within the same period, our Solicitors received another letter from the 2nd Defendant's Solicitors restating the statements contained in the 1st Defendant's letter dated October (sic) 7, 2017 (that the 2nd Defendant produced the infringing "*Nightlife in Lagos with Galaxy Note8*" video on behalf of the 1st Defendant). *I shall rely on the 2nd Defendant's Solicitor's letter, dated November 2, 2017, at the trial of this suit.*
23. By letters dated November 6, 2017 and November 14, 2017, our Solicitors responded to the 1st Defendant's letter dated October (sic) 7, 2017 and the 2nd Defendant's Solicitor's letter dated November 2, 2017. *I shall rely on our Solicitor's letters, dated November 6, 2017 and November 14, 2017, at the trial of this suit.*
24. I know that the Defendants have unjustly benefitted from our effort, creativity and substantial financial and human resources invested in the production of the "*Lekki Ikoyi Link Bridge at Night*" video.
25. In conclusion, we shall contend at the trial of this suit, that the person who authorizes the production of a work which infringes the copyrights of another, and the person who actually produces the infringing work, are both culpable for copyright infringement.
26. **WHEREOF** the Plaintiffs claim as follows:
 - (ix) **A DECLARATION** that the Plaintiffs are the owners of the copyright over the cinematograph film known as "*Lekki Ikoyi Link Bridge at Night*" containing carefully captured and edited scenes of aerial views of: (i) the Lekki Ikoyi link bridge ("**Bridge**") without the cable pylon; and (ii) the cable pylon in the middle of the Bridge (both hereinafter referred to as the "**Scenes**");
 - (x) **A DECLARATION** that the Plaintiffs are the only persons entitled to grant to the Defendants, or any other party, the right to use the Scenes or cause same to be published to the public;

- (xi) A DECLARATION that the Scenes in the 1st Defendant's "Nightlife in Lagos with Galaxy Note8" video are the same as the Scenes in the Plaintiffs' "Lekki Ikoyi Link Bridge at Night";
- (xii) A DECLARATION that the Scenes in the 1st Defendant's "Nightlife in Lagos with Galaxy Note8" video, constitute an infringement of the Plaintiffs' copyright in the Scenes, since the Defendants have neither sought nor obtained the Plaintiffs' authorization to publish the Scenes in the Nightlife in Lagos with Galaxy Note8 video;
- (xiii) A DECLARATION that by virtue of the relationship between the Defendants, the Defendants are jointly and severally liable to the Plaintiffs for the infringement of the Plaintiffs' copyright in the Scenes;
- (xiv) AN ORDER OF PERPETUAL INJUNCTION restraining the Defendants, by themselves, their agents, servants, privies, successors-in-title or such other persons howsoever described, acting on their behalf, and/or behest, from further infringing by way of unlawful use, on the Plaintiffs' copyright in the Scenes and/or any other part of the Plaintiffs' cinematograph film known as "Lekki Ikoyi Link Bridge at Night";
- (xv) DAMAGES against the Defendants jointly and severally in the sum of ₦65,000,000.00 (Sixty-Five Million Naira Only); and
- (xvi) Cost of the action.

27. I depose to this Affidavit in good faith, believing the content of same to be true and correct in accordance with the Oaths Act in force.



 DEPONENT

Sworn to at the Federal High Court Registry Lagos
 this 25th day of February 2018

BEFORE ME


 COMMISSIONER FOR OATHS



IN THE FEDERAL HIGH COURT
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT LAGOS

803

SUIT NO: FHC/L/CS/...../2018

BETWEEN:

1. AKOJI AGENI - YUSUF
2. EAGLE EYE PRODUCTION LIMITED } PLAINTIFFS

AND

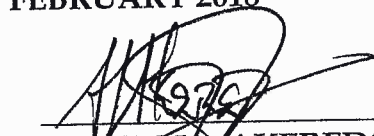
1. SAMSUNG ELECTRONICS WEST AFRICA LIMITED
2. RINGIER NIGERIA LIMITED } DEFENDANTS

LIST OF DOCUMENTS TO BE RELIED ON AT TRIAL

1. The Flash Drive containing the cinematograph film known as "Lekki Ikoyi Link Bridge at Night".
2. Screenshots of: (i) the Lekki Ikoyi link bridge ("Bridge") without the cable pylon; and (ii) the cable pylon in the middle of the Bridge (both hereinafter referred to the "Scenes") published on YouTube.
3. Screenshots of the Scenes as published in the 1st Defendant's video on its YouTube channel.
4. Plaintiffs' Solicitors' letter dated October 31, 2017.
5. 1st Defendant's letter, dated October (sic) 7, 2017.
6. 2nd Defendant's Solicitor's letter, dated November 2, 2017.
7. Plaintiffs' Solicitor's letter, dated November 6, 2017 and November 14, 2017

DATED THIS 26TH DAY OF FEBRUARY 2018




ABIMBOLA AKEREDOLU, SAN ✓
CHINEDUM UMECHE ESQ.
ADEOLA AGUNBIADE ESQ.
OLUWAMAYOKUN DAVID, ESQ.

BANWO & IGHODALO
Plaintiff's Counsel
98 Awolowo Road
South- West Ikoyi
Lagos
litigation@banwo-ighodalo.com

FOR SERVICE ON:

- 1. THE 1st DEFENDANT**
SAMSUNG ELECTRONICS WEST AFRICA LIMITED
Plot 13/14, Ligali Ayorinde Street,
Victoria Island,
Lagos, Nigeria

- 2. THE 2nd DEFENDANT**
RINGIER NIGERIA LIMITED
3 Stella Ogunleye Street
Lekki Peninsula Estate Scheme 1,
Lekki, Lagos, Nigeria.





BANWO & IGHODALO

Flash drive containing the cinematograph film known as
"Lekki Ikoyi Link Bridge at Night"



ewsroom

Screen Shot: 0.25 Secs (Akoji Ageni-Yusuf)

737 MB FREE 788 MB 1.961 UNREAD 11 REMOVED 5

Start Google - Microsoft Inten... Lekki Ikoyi Link Bridg... Skype for Business Outlook 2013 Presentation1 - PowerPoint

Secure | http://www.youtube.com/watch?v=A1OC3VCDm1eU

lago night life lekki bridge

6,554 views

Lekki Ikoyi Link Bridge at Night

Akoji Ageni-Yusuf
Published on 11 Apr 2015

8 Comments SORT BY

45 1 SHARE ...

SUBSCRIBE 20

Up next

Driving Series - Lekki Phase-1 to Parkview via New Suspended Ferry - AntennaTalk
4.1M views

Eko Atlantic General Progress - November 2014
Eko Atlantic
162K views

Top 10 Most Beautiful Cities in Nigeria
Eebor BIZTV
95K views

Ikoyi bridge
Daniel John
997 views

Urbanscape Lagos | Ikoyi 1
NestHome Builders
4K views

The Bridge Gym of Lagos
Educaro Group
2.9K views

Lekki Ikoyi Link Bridge - 20 Dec 15
Asorodun TV
9.5K views

THIS FOLDER IS UP TO DATE CONNECTED TO MICROSOFT EXCHANGE

12:20 PM 100%

Screen Shot: 1.03 Secs (Akoji Ageni-Yusuf)

Agenda in Lagos with Gai... X Lekki Ikoyi Link Bridge at... X Lekki Ikoyi Link Bridge at... X

Secure | <https://www.youtube.com/watch?v=A10CCTDmneU>

lagos night life lekki bridge

YouTube

1:03 / 2:21

Lekki Ikoyi Link Bridge at Night

6,554 VIEWS

Akoji Ageni-Yusuf

Published on 11 Apr 2015

Lekki Ikoyi Link Bridge at Night

8 Comments

Sort By

Subscribe 20

Up next

AUTORPLAY

Driving Series - Lekki Phase-1 to Parkview via New Suspended From Aomshahin

4.1K views

Eko Atlantic General Progress - November 2014

Eko Atlantic

182K views

Top 10 Most Beautiful Cities in Nigeria

Elsdot BILT V

95K views

Ikoyi bridge

Daniel John

997 views

Urbanscape Lagos | Ikoyi 1

4K views

NextHome Builders

The Bridge Gym of Lagos

adebayo Olanuga

2.8K views

Lekki Ikoyi Link Bridge - 20 Dec 15

Aeroerry TV

9.5K views

3:45

6:03

5:08

2:28

6:42

7:44

2:28

Start

Google - Microsoft Inten...

Lekki Ikoyi Link Bridg...

Skype for Business

Outlook 2013

PowerPoint1 - PowerPoint

NOTES

COMMENTS

12:25 PM

Screen Shot: 0.17 Secs (Eagle Eye Productions)

The screenshot shows a YouTube video player interface. The video title is "Lekki Ikoyi Link Bridge at Night" with 967 views. The video player shows a night view of the bridge. A red circle highlights the "Eagle Eye Productions" channel name in the top right corner of the video player. A red arrow points from this circle to the text "Intellectual Property of Eagle Eye Productions" written vertically in red on the left side of the video frame. Below the video player, the video description reads: "Aerial flyby of the Lekki Ikoyi link bridge & Ibeju Gate". The video was published on 15 Apr 2016. There is 1 comment and the user is logged in as Hamanu Agent-Yusuf. The video player controls show a duration of 0:30. Below the video player, there are several recommended videos:

- The Bridge Opn of Lagos** (2:21 views)
- Driving Series - Lekki Phase-1 to Parkview via New Suspended Ferry Across Lagos** (2:11 views)
- Lekki Ikoyi Link Bridge at Night** (5:44 views)
- Katy Perry - Chained To The Rhythm (Official ft. Skip Marley)** (Recommended to you)
- Welcome to Lagos, Lagos&rd Mainland Bridge Lagos Nigeria** (23K views)
- Ikoyi bridge** (Darele Loren, 947 views)
- 1 Year with Lacs II VEDA 2017 II Day 20** (Recommended to you)
- New Lekki Ikoyi Bridge 1st suspended Bridge IN NIGERIA** (VEDA 2017)

At the bottom of the screen, the Windows taskbar shows the time as 12:21 PM.

Screen Shot: 0.56 Secs (Eagle Eye Productions)

Intellectual Property of Eagle Eye Productions

Lekki Ikoyi Link Bridge at Night

867 views

Eagle Eye
Published on 16 Apr 2016

Aerial flyby of the Lekki-Ikoyi Link bridge & Lagos

1 Comment SORT BY

Commenting publicly as Hamatu Agant-Yusuf

Video By Eagle Eye Production

SUBSCRIBE 1

UP NEXT

The Bridge Gym of Lagos
BENEDICT OJIYINJA
2.87K VIEWS

Drawing Series - Lekki Phase-1 to Parkview via New Suspended Ferry Access Road
FERRY ACCESS ROAD
3.17K VIEWS

Lekki Ikoyi Link Bridge at Night
ANGIE ADEGBOYINJE
5.4K VIEWS

Katy Perry - Chained To The Rhythm (Official) Ft. Skip Marley
KATY PERRY
Recommended for you

Welcome to Lagos: Lagos's 1st Mainland Bridge Lagos Nigeria
YEM EDIR
2.2K VIEWS

Ikoyi bridge
DANIEL JOHN
997 VIEWS

1 Year with Lacs II VEDA 2017 II
Day 20
Release
Recommended for you

VEDA 2017
VEDA 2017
1.51K VIEWS

New Lekki Ikoyi Bridge: 1st suspended bridge IN NIGERIA

12:27 PM

Screen Shot: 0.02 Secs (Samsung Mobile)

Secure | <https://www.youtube.com/watch?v=m2CQhu7z1u0>

nightlife in lagos with galaxy note8

0:02 / 1:00

Cinema mode

Nightlife in Lagos with Galaxy Note8

24,488 views

Samsung Mobile NG
Published on 16 Oct 2017

Enjoy the Lagos Nightlife with your Galaxy Notes

7 Comments

SORT BY

SUBSCRIBE 7.9k

Video By Samsung NG

Up next

NOTES LATER

Note 8 Review: 1 Month Later 'All You Need to Know' (Part 1)

Erica S. 17m

102K views

New

AUTOPLAY

Dubai Billionaires and Their Luxury Homes and Toys - Forget Real Estate

13K views

46:25

If it were not FILMED, no one would BELIEVE IT! Videos you should see

19K views

1:00:08

ALL ABOUT MY PIERCINGS! DOING MY OWN PIERCINGS + RECOMMENDED for you

15K views

Galaxy Note 8: Full S-Pen Tips, Tricks & Features (That No One should)

330K views

Samsung Galaxy Note 8 - A True User Review

HardwareDarius

17K views

New

Juicy Loc Braid Out | BIRTHDAY MINI VLOG! A LOOOOONGER Review targeted for you

11:07

Start

Google - Microsoft Intern...

Nightlife in Lagos with...

Skype for Business

Outlook 2013

Presentation 1 - PowerPoint

Untitled - Paint

12:06 PM

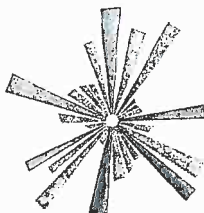
Screen Shot: 0.03 Secs (Samsung Mobile)



Nightlife in Lagos with Galaxy Note8
21,488 views
Published on 15 Oct 2017
Samsung Mobile NG
Enjoy the Lagos Nightlife with your Galaxy Note8
7 Comments

Samsung NG

- Up next
NOTE8 REVIEW: 1 Month Later 'All You Need to Know' (Part 1)
5:02
102k views
New
- Dubai Billionaires and Their Luxury Homes and Toys - PHOTOS! Real Estate
1:14
1.1k views
- If it were not FILMED, no one would BELIEVE IT! Videos you Vira Danc7
1:02
19k views
- ALL ABOUT MY PIERCINGS! DOING MY OWN PIERCINGS + RECORDING THEM FOR YOU
1:00
18k views
- Galaxy Note8: Full S-Pen Tips, Tricks & Features (That No One suspects)
3:07
339k views
- Galaxy Note8 S-Pen is Amazing 21:57
- Samsung Galaxy Note 8 - A True User Review
17:49
- Juicy Loc Braid Out | BIRTHDAY MINI VLOG!
A LOAD OF GOODIES
11:01



BANWO & IGHODALO

October 31, 2017

The Managing Director
Samsung Electronics West Africa Limited
13/14 Ligali Ayorinde Street
Victoria Island
Lagos

COPY

Dear *Sir*,

CEASE AND DESIST LETTER

We act as Solicitors to Akoji Ageni – Yusuf, trading under the name and style of Eagle Eye Productions ("our Client"), on whose instructions we write this letter in relation to the above subject.

Our Client's attention has been drawn to a recently released video titled "**Night Life in Lagos with Galaxy Note 8**", advertising your good company's new Galaxy Note 8 ("**Samsung Ad**") published on Youtube on October 16, 2017.

Our Client has observed that the **Samsung Ad** contains certain scenes which were copied from his work "**Lekki Ikoyi Bridge at Night**" published on its Youtube page on April 16, 2016 ("**Original Work**"). Please find enclosed pictures of the screen shots from the Samsung Ad and the Original Work. As you will observe, it is indisputably apparent that the shots of the Lekki Ikoyi Bridge in the two videos are the same in terms of capturing and editing.

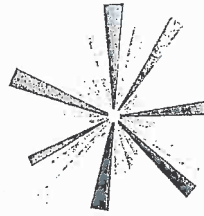
As you may be aware, our Client as the owner of the Original Work is entitled by law to the exclusive use of same. This right will be infringed if any other person uses, attempts to use or copies the Original Work or any part thereof without his authorisation. Therefore, your company's use of part of the Original Work without our Client's authorisation has not only breached our Client's exclusive right under the Copyright Act Cap C28 LFN 2004, but also denied our Client of its right to derive economic gains therefrom.

In the circumstance, we have our Client's instruction to demand that you furnish us with an unconditional written acknowledgement of our Client's ownership of and exclusive right in the Original Work together with an undertaking as follows:

- i) That your company will discontinue use and publication of the Samsung Ad;
- ii) That your company will immediately expunge part of the Original Work from all of your company's advertisements including the Samsung Ad and such promotional and marking materials;
- iii) That your company will pay the sum of **₦65,000,000 (Sixty Five Million Naira)** as damages and reasonable costs and expenses incurred by our Client in engaging its legal representatives and investigators in connection with the infringement.

98 Awolowo Road, South-West Ikoyi, Lagos, Nigeria
Afri-Investment House, Plot 2669, Aguiyi-Ironsi Street, Maitama, Abuja, Nigeria
T +234(0) 700LAWYERS F +234(1) 4615205 E banwigho@banwo-ighodalo.com W www.banwo-ighodalo.com

Attorney list at www.banwo-ighodalo.com



COPY

BANWO & IGHODALO

Please be advised that should you fail to respond and comply with the foregoing request within seven (7) days of the date of receipt of this letter, we shall have no other option than to carry out our Clients' instructions to explore all means available to preserve its copyright.

For good order, please note that all our client's rights under law are hereby preserved.

We trust that you will be guided accordingly.

Yours faithfully,

Banwo & Ighodalo
BANWO & IGHODALO

ewsroom

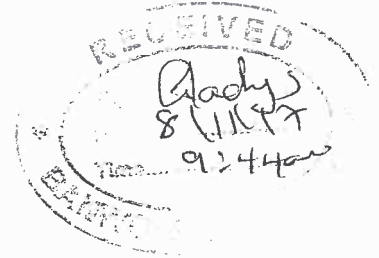
SAMSUNG



WORLDWIDE PARTNER

7th October 2017

The Managing Partner
Banwo & Ighodalo
98 Awolowo Road
South-West Ikoyi
Lagos



Dear Sir,

RE: CEASE AND DESIST LETTER

The above subject matter refers, particularly, your letters dated October 31, 2017 and November 8, 2017 respectively.

After a careful consideration of your claims, our company considers it expedient to intimate you that the content of the advertisement in issue was created and produced by one Ringier Nigeria limited, who was an independent contractor engaged by Cheil communications limited for the creation and production of the advertisement content for valuable consideration.

It is noteworthy to state that our company has not infringed on the copyright of your client and does not take responsible for the advertisement content created and produced by Ringier Nigeria limited. Therefore, company denies all your claims, and would advise that such claims and any issues thereof concerning the said advertisement be directed to Ringier Nigeria Limited.

However, our company is currently investigating your claims and would communicate to you of its findings.

Thank you for your co-operation.

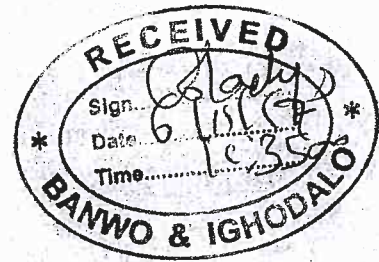
Yours faithfully,

Ruby Omokaro Okpor, LL.M (UK), ACIS, (UK)
Head of Legal and Compliance



November 2, 2017

The Managing Partner
Banwo & Ighodalo
98 Awolowo Road
South-West Ikoyi
Lagos.



Dear Sir,

RE: REQUEST FOR CEASE AND DESIST LETTER

We are solicitors to Ringier Nigeria Limited (hereinafter referred to as our Client) and they have forwarded to us your letter dated October 31, 2017 addressed to Samsung Electronics West Africa Limited, with express instructions to respond to same accordingly.

Our Client spearheaded the production of the Samsung Advertisement "**Night Life in Lagos with Galaxy Note 8**" ("Advertisement"), thus your letter under reference was forwarded to our Client by virtue of the fact that our client produced the advertisement. Our Client shall be responsible for responding to any issues concerning the said Advertisement.


Please note that the claims made in your letter under reference are currently being investigated by our Client and we would get back to you as soon as the investigation is concluded on or before 30th November, 2017.

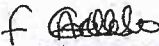
Kindly direct any further correspondence with respect to the Advertisement to us as we have been briefed to handle same. We count on your usual professionalism.

Accept the assurance of our professional regards.

Yours faithfully,

PUNUKA Attorneys & Solicitors


Ifeyinwa Anyadiiegwu
Associate


Elizabeth Idigbe
Managing Partner

Partners: Anthony Idigbe, SAN, Elizabeth Idigbe, Nnamdi Oragwu, Okorie Kalu, Ebelechukwu Enedah
Senior Associates: Obianuju Otudor, Iheanacho Dike-Udensi, Olapeju Anozie, Eric Otojahi
Associates: Gloria Ogwu, Damola Adewale, Onyeka Ehiwuogwu, Aituagie Omokhodion, Emuobonuvie Majemite, Onyinye Odogwu, Oluwabunmi Apata, Peter Edokpayi, Tobenna Nnamani, Adekola Olawoye, Betty Biayeibo, Omotayo Ogunbadewa, Ebuka Ekeanyanwu, Boma Owunabo, Adetutu Olowu, Islioma Idigbe, Ifeyinwa Anyadiiegwu, Rukevwwe Ekpobedefe, Chimezie Onuzulike, Adeyinka Abdulsalam
General Manager, Practice: Angela Ezenweani, **Consultants:** Richard Obiamiwe, Judith Makwe-Fanegan, Afamefuna Mmagu

International Law Centre
Plot 45, Oyibo Adjarho Street, Off Ayinde Akinmade Street
(Opposite Global International College), Off Admiralty Way, Lekki Peninsula Phase 1, Lagos, Nigeria
Tel: +234-1-270 4789, 270 4791. Fax: +234-1-270 4790. E-mail: info@punuka.com Website: www.punuka.com
LAGOS ABUJA ASABA



BANWO & IGHODALO

November 6, 2017

The Managing Partner

PUNUKA Attorneys & Solicitors
Plot 45 Oyibo Adjarho Street
Off Ayinde Akinmade Street
(Opposite Global International College)
Off Admiralty Way
Lekki Peninsula Phase 1
Lagos.

PUNUKA Attorneys & Solicitors

Received By: Mobola

Signature: [Signature]

Time: 8:05 PM

Date: 7/11/17

Dear *Sir*,

RE: CEASE AND DESIST LETTER

We continue to act as Solicitors to Akoji Ageni-Yusuf / Eagle Eye Productions ("our Client") and acknowledge receipt of your letter dated November 2, 2017 in respect of the above matter.

We have considered the content of your letter and note your assertion that your client, **Ringier Nigeria Limited**, is responsible for the production of the Samsung Electronics West Africa Limited's advertisement "*Night Life in Lagos with Galaxy Note 8*" ("**Infringing Advertisement**") containing certain scenes which were copied from our Client's work "*Lekki Ikoyi Bridge at Night*".

As you may be aware, the Infringing Advertisement was produced on behalf of Samsung Electronics West Africa Limited ("**Samsung**"). In addition, the Infringing Advertisement was expressly stated on the Youtube website to have been published by "Samsung Mobile NG" and not your client. Section 5(1)(c)(i) & (ii) of the Copyright Act, Cap C28 LFN 2004 vests the author of a cinematograph film the exclusive right to control the doing or authorising the doing in Nigeria of (i) making a copy of the film; and (ii) causing the film, in so far as it consists of visual images to be seen in public and, in so far as it consists of sounds, to be heard in public. Consequently, in so far as the making of the Infringing Advertisement was authorised by Samsung and publication thereof is by Samsung, our Client is justified to take steps and indeed has reasonable cause of action against Samsung, as our Client has not authorised Samsung to carry out any of those acts. Thus, we respectfully decline your request to send to you alone all correspondence in relation to the Infringing Advertisement.

In line with your admission on behalf of your client and without prejudice to our Client's rights against the owner of the Infringing Advertisement - Samsung, we look forward to receiving your response no later than seven (7) days from the date of receipt of this letter. Having earlier given Samsung seven (7) days within which to respond to Cease and Desist letter of October 31, 2017, our Client is not prepared to wait until November 30, 2017 to hear from you or your client.



BANWO & IGHODALO

Please be advised that should your client fail to respond and comply with our Client's demands (as contained in our letter dated October 31, 2017 which letter you have admitted on behalf of your client to have seen) within **seven (7) days** of the date of receipt of this letter; and should Samsung fail to respond as demanded in our letter of October 31, 2017, both of them (that is, your client and Samsung) shall be deemed to have admitted our Client's claim and we shall have no other option than to carry out our Client's instructions to explore all means available to preserve its intellectual property rights.

We trust that you will be guided accordingly.

Yours faithfully,

BANWO & IGHODALO

cc: Samsung Electronics West Africa Limited

ewsroom



November 6, 2017

The Managing Partner
PUNUKA Attorneys & Solicitors
Plot 45 Oyibo Adjarho Street
Off Ayinde Akinmade Street
(Opposite Global International College)
Off Admiralty Way
Lekki Peninsula Phase 1
Lagos.

COPY

Dear *Sir*,

RE: CEASE AND DESIST LETTER

We continue to act as Solicitors to Akoji Ageni-Yusuf / Eagle Eye Productions ("our Client") and acknowledge receipt of your letter dated November 2, 2017 in respect of the above matter.

We have considered the content of your letter and note your assertion that your client, **Ringier Nigeria Limited**, is responsible for the production of the Samsung Electronics West Africa Limited's advertisement "*Night Life in Lagos with Galaxy Note 8*" ("**Infringing Advertisement**") containing certain scenes which were copied from our Client's work "*Lekki Ikoyi Bridge at Night*".

As you may be aware, the Infringing Advertisement was produced on behalf of Samsung Electronics West Africa Limited ("**Samsung**"). In addition, the Infringing Advertisement was expressly stated on the Youtube website to have been published by "Samsung Mobile NG" and not your client. Section 5(1)(c)(i) & (ii) of the Copyright Act, Cap C28 LFN 2004 vests the author of a cinematograph film the exclusive right to control the doing or authorising the doing in Nigeria of (i) making a copy of the film; and (ii) causing the film, in so far as it consists of visual images to be seen in public and, in so far as it consists of sounds, to be heard in public. Consequently, in so far as the making of the Infringing Advertisement was authorised by Samsung and publication thereof is by Samsung, our Client is justified to take steps and indeed has reasonable cause of action against Samsung, as our Client has not authorised Samsung to carry out any of those acts. Thus, we respectfully decline your request to send to you alone all correspondence in relation to the Infringing Advertisement.

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BANWO & IGHODALO

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We trust that you will be guided accordingly.

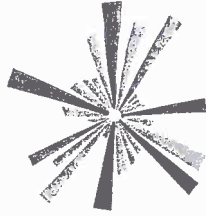
Yours faithfully,

Banwo & Ighodalo

BANWO & IGHODALO

cc: Samsung Electronics West Africa Limited

ewsroom



BANWO & IGHODALO

November 14, 2017

COPY

The Managing Director
Samsung Electronics West Africa Limited
13/14 Ligali Ayorinde Street
Victoria Island
Lagos.

Dear *Sir*,

RE: CEASE AND DESIST LETTER

We acknowledge the receipt of your letter dated November 7, 2017 in relation to the above named subject.

In the said letter you had stated that your company commissioned a certain Cheil Communications Limited who in turn commissioned Ringier Nigeria Limited ("*Ringier*") for the production of "*Night Life in Lagos with Galaxy Note 8*" (the "*Infringing Advertisement*").

Please note that by the provisions of Section 14 (1)(a) of the Copyright Act, Cap C. 28 Laws of the Federation of Nigeria 2004, copyright is infringed by any person who, without licence or authorization of the owner of the copyright, does or causes any other person to do an act, the doing of which is controlled by copyright. Consequently, to the extent that the Infringing Advertisement was developed and produced at the behest of your company, liability for the Infringing Advertisement also rests with your company. Afterall, the product that was being advertised in the Infringing Advertisement belongs to your company and not to Ringier or Cheil Communications Limited. Further, it is trite law that actions of an agent are binding on a principal, whether or not such acts are for the benefit of the principal.

In any case, you may wish to also note that Ringier (the company to which you are deflecting liability with the expectation that it will take responsibility for this infringement) has failed to acknowledge that the Infringing Advertisement constitutes a breach of our client's rights in its work. Furthermore, at the meeting held on November 13, 2017 to discuss this matter, Ringier disparaged our client's efforts in the creation and production of its work.

Accordingly, **PLEASE TAKE NOTICE** that failure to comply with our demands as outlined in our previous letter would leave our client with no option but to seek legal redress under our law.

We trust that you will be guided accordingly.

Yours faithfully,

Banwo & Ighodalo
BANWO & IGHODALO

Cc: **Punuka Attorneys and Solicitors**

Original rec'd by Motorola Sec
[Signature]
14/11/17
2:20 PM