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March 4, 2026

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CC: kgreen@higbee.law, mhigbee@higbeeassociates.com
Via E-mail

**RE: Your Allegation of Copyright Infringement
("Claim Number" 13MO2W)**

Dear Mathew,

I write in response to your February 2, 2026 letter sent on behalf of Agence France-Press (‘‘AFP’’), via email, to May First Movement Technology (‘‘May First’’). The Electronic Frontier Foundation represents May First. Please direct any future communications about this matter to mitch@eff.org and betty@eff.org.

May First is a non-profit membership organization that supports social movements by advancing the strategic use and collective control of technology for local struggles, global transformation, and emancipation without borders.

Your letter accuses May First of copyright infringement related to a photo image that allegedly appeared on a webpage belonging to one of May First’s member organizations, for which May First provides hosting services. The member organization is itself a non-profit human rights organization based in Mexico.

Your allegations fundamentally misunderstand the role that May First plays. May First does not create or publish the content at issue. It merely provides hosting infrastructure to its member organizations. In doing so, May First was simply ‘‘passively storing material at the direction of users in order to make that material available to other users upon request.’’ As numerous courts have held, such passive involvement does not constitute direct infringement. *Perfect 10, Inc. v. Giganews, Inc.*, 847 F.3d 657, 666-68 (9th Cir.

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2017); *Cartoon Network LP, LLLP v. CSC Holdings, Inc.*, 536 F.3d 121, 130-33 (2d Cir. 2008).

Additionally, as May First already informed your office, the member organization removed the image promptly after receiving notice from May First. Once notified, May First ensured that the image was removed. That is all the law requires from service providers, foreclosing any claim of secondary liability. *See Perfect 10, Inc. v. Amazon.com, Inc.*, 508 F.3d 1146, 1169-75 (9th Cir. 2007).

In addition, the pages you reference, <https://fnis.mayfirst.org/spip.php?mot60> and https://fnis.mayfirst.org/spip.php?art...&&debut_articles=4540, were posted in 2017, more than eight years ago, and the photo you identify was removed around March 2025. It is doubtful that anyone other than you or your client has accessed the photo during the three-year limitations period.

Your letter also fails to identify whether the photo image at issue has been registered with the U.S. Copyright Office. As you are aware, a lack of timely registration with the Copyright Office limits your client's recovery to actual damages; statutory damages and attorney fees are not available. 17 U.S.C. § 412.

For these reasons, among others, your allegations and corresponding demand for payment are baseless and unreasonable. Accordingly, May First will not pay any fees and has no obligation to do so. Please confirm that your client withdraws its claim against May First.

Very truly yours,



Mitchell L. Stoltz
IP Litigation Director
Electronic Frontier Foundation