



BROCORENS BERVOETS DEFAUW

AVOCATS - ATTORNEYS - ADVOCATEN

Jean-Marie Brocorens

Benoît Cerexhe

*Bruno Bervoets

**Christian Defauw

Alessandro de Santis

Anne-Aymone Minet

ADRESSE - ADDRESS - ADRES

Av de Broqueville, 32
de Broquevillelaan, 32
Bruxelles B-1200 Brussel

T. +32 2 739 30 30

F. +32 2 736 61 55

office@bbd-law.be

http://www.bbd-law.be

CORRESPONDING COUNSEL

Stimmel, Stimmel & Smith, P.C.
155 Montgomery Street, 12th Floor
San Francisco, CA 94104-3902

T. +415 392-2018

F. +415 391-2124

stimmelpc@stimmel-law.com

Mr. Jack Koziol
President
InfoSec Institute, Inc.
7310 W. North Ave
Suite 4D
Elmwood Park, IL, 60707

BY FEDERAL EXPRESS

Bruxelles, le 17 décembre 2010

Dear Sir,

Concerne : VAN EECKHOUTTE / COPYRIGHT INFRINGEMENT
M. réf. : 210.129/CD
V. réf. :

This office is legal counsel to Mr Peter VAN EECKHOUTE, domiciled in Belgium, as to his quality of information technology and in his role as specialist and author of various important proprietary writings.

We are however certain that you are quite familiar with Mr. Van Eeckhoutte since it appears that your company has taken, whole-cloth, much of his life's work, and rebranded it as your own. We have proof that you have copied his articles and tools and have sold them to customers claiming yourself as the author.

Your actions are in violation of our client's author's rights and copyrights (hereafter "copyrights"), trademarks, and other intellectual property rights both under Belgian Law and International conventions applicable in the United States. In doing so, you have also engaged in unfair competition and business practices under Belgian Law, International Law and, I suspect, Federal and state law.

We have in our possession a copy of a printed training manual (a book) that we have evidence indicating that you have used as the teaching materials for a course you offer called "*Expert Penetration Testing Lab Manual*," with your name mentioned on the cover, and affixed proximate to a "copyright" notice on the bottom of each page. It spans 401 pages. Each and every one of those

(*) D.E.S Droit économique

(**) L.L.M. Intellectual Property

401 pages belongs to our client. It is his work, and was taken entirely from his web site www.corelan.be.

His work is **not public domain** and is **not free** for the taking. All pages on his web site are marked, “© 2007-2010 Peter Van Eeckhoutte's Blog | All Rights Reserved” and all pages contain obvious links to the terms of use page. The terms of use page further clearly states:

“ . . . *the content of this site may not be copied, reproduced, republished, posted, broadcasted, or transmitted in any way without first obtaining written permission from Peter Van Eeckhoutte.*”

Yet, this is what you did, which is ironic considering that your company teaches courses on “ethical” hacking. We can only imagine that should the tight knit, online information security community find out about your deliberate actions, they would not be supportive of your company.

The scope and brazenness of your taking of our client’s work is remarkable and deeply troubling. Your changes to his work are thin and *de minimus*. These thin changes appear not trivial however. They reveal a pattern, and clear evidence that you knowingly took his work, and sought to disguise that fact from unsuspecting customers !

Mr. Van Eeckhoutte has been developing and writing his work for years. By your actions, you have caused him substantial damages. No Belgian judge – or, I imagine any American judge or jury - will be convinced that your actions might be just a matter of coincidence, independent creation, or even prior common source. It could not be. You provided no independent aspect to the work you are passing off as your own.

As your American and/or Belgian attorney will probably advise you, as owner of the author’s rights in the work, Mr. Van Eeckhoutte is entitled to relief from any and all unauthorized copying, reproduction, publishing, displaying, distributing, and/or commercial exploitation of his property.

Your intentional violation of our client’s exclusive copyrights exposes you to significant monetary damages and injunctions, as well as criminal charges under the Belgian Law. Your unfair business practices exposes you to further claims for any and all profits you have made and other forms of monetary relief available in Belgium, including attorneys’ and court fees, as well as injunctive relief, and seizure and destruction of any offending goods you have created.

Our client is well known in the information security field. Your passing off of his work as work produced by your company damages him and gives also rise to a *prima facie* claim of unfair business practices under Section 43(a) of the Lanham Act (15 USCS 1125(a)), as well as claims of unfair business practices.

As a consequence, this letter serves as a formal **cease and desist letter** whereby your company, including any affiliated companies, persons, agents, assignees or entities are put on notice to immediately cease and desist from producing, marketing, advertising, selling, distributing and/or displaying any goods or services of any kind whatsoever using any of our client’s work in whole or in part.

You must send to us an affidavit declaring that you have complied with this demand within five (5) days of the date of this letter.

Our client further demands that you immediately remove from your website or catalogue any reference to his work (or your stolen copies of his work) and any other work based on our client’s work.

You must immediately write to each and every firm, company, person, or entity that you have sold the palmed off goods to, and advise them that you have violated Peter Van Eeckhoutte's rights. You must copy this office on each and every letter sent.

In addition, you are formally invited, in order to assess the damage you have caused, to provide in writing, the following information:

- The name of each and every person, firm, corporation, or entity that received a copy of “_____”.
- The number of people who took the course you offer entitled, “XXXXX”, including dates and locations.
- a complete accounting, with supporting documentation, for all income received from sales of the book or sales of the courses in which the book was used as supporting material.
- Any and all advertising materials, brochures, correspondence, handouts, etc. describing or promoting any course or materials containing our client's product.

Consistent with the accounting our client demands all gross profits you have made from selling any goods or services using his work.

You are of course aware that your next steps are critical. If you are to meet our demands now, and assist our client in the mitigating the damages you have caused, this matter *may* be resolved amicably.

Absent a due and favorable response within the time frame we will advise our client of his rights to seek immediate relief both in Belgium and in American courts.

Mr. Van Eeckhoutte is an expert in information security. He is well respected and will not accept the unfair taking of his work.

Time is of the essence as damages increase. Therefore, you are invited to immediately comply with the reasonable demands stated herein and respond to us within five (5) days from the date of this letter, advising us that you have done so, and are willing to work with us to resolve this matter fully, and to our client's entire satisfaction.

You have been advised of the consequences if we do not hear from you.

Sincerely yours,

Christian DEFAUW