**Ventis Media, Inc. Response to Notice of IP Infringement**

**Dec. 10, 2014**

This document is provided in reference to a claim by the Google Play Store on Dec. 9, 2014 (see Appendix A) that Ventis Media, Inc. (“Ventis”), violated certain as yet undescribed Intellectual Property (“IP”) belonging to an as yet undescribed third party, within the ‘MediaMonkey Ringtone Maker’ / com.ventismedia.android.mediamonkeybeta.addon.contacts.ringtone (“MMRM”), and that unless action is taken by Ventis Media, that MMRM would be removed from the Google Play store.

Ventis categorically denies the claim that the MMRM includes any third party IP that Ventis does not have rights to use. MMRM is a very simple application that that is designed as an addon to MediaMonkey for Android “MMA”, packaged separately minimize permissions required MMA. Its sole purpose is to allow MMA users to assign music belonging to the user within the MMA application for ringtones.

Since the claim of IP infringement is non-specific, it is only possible to guess as to what the possible problems are. The approach taken below is to list the major IP blocks used within the addon, and to describe their lineage and why Ventis Media, Inc. has rights to them.

1. The marketing text associated with MMRM: was written by Russell S………. and Cindy W…….. (employees of Ventis) on behalf of Ventis.
2. The icon for MMRM: consists of:
   1. the MMA icon (which is based on the MediaMonkey icon, designed by Clever Starfish Inc. for Ventis in 2005)



* 1. the ic\_action\_ring\_volume.png icon from Google’s “Action Bar Icon Pack” at <https://developer.android.com/design/downloads/index.html> which is licensed by Google according to the following terms as written on that page: “You may use these materials without restriction to facilitate your app design and implementation.” And “Except as noted, this content is licensed under [Creative Commons Attribution 2.5](http://creativecommons.org/licenses/by/2.5/). For details and restrictions, see the [Content License](https://developer.android.com/license.html).”  
     
  2. The icon used within MMRM was a combination of the two as follows, and which doesn’t contravene any aspect of the license:  
       
       
     In the event that the problem is that no mention of the use of the license was made, we’ve modified the description of the program to include the following text “Copyright information: The phone icon that is superimposed on the MediaMonkey icon was created by Google Inc. and is licensed under Creative Commons Attribution 2.5. Details at <http://creativecommons.org/licenses/by/2.5/>”. In the future, we’ll move this directly into the MediaMonkey license (since MMRM has no UI).

1. MMRM code is fairly simple, consisting of 5 simple Java classes written by developers at Ventis along with the android-support-v4 library from <http://developer.android.com/tools/support-library/index.html> licensed under an Apache license (see below) which allows for its use.

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**Appendix A**

This is a notification that your application, MediaMonkey Ringtone Maker, with package ID com.ventismedia.android.mediamonkeybeta.addon.contacts.ringtone, is currently in violation of our developer terms.

**REASON FOR WARNING**: Potential violation of the [Impersonation or Deceptive behavior](https://play.google.com/about/developer-content-policy.html#impersonation) and/or [intellectual property](https://play.google.com/about/developer-content-policy.html#IP) provisions of the Content Policy.

Your app and/or elements of its listing on Google Play, including title, description, icon(s), or promotional screenshots, have been flagged for potential unauthorized usage of protected works belonging to a third party. Protected work could typically include product names, brands, images, logos, music, and similar works. This is a policy warning of impending removal.

To achieve compliance, you must perform one of the following actions within 7 days, or your app will be permanently disabled:

1. Use our [appeals form](https://support.google.com/googleplay/android-developer/contact/appappeals) to provide verifiable and accepted proof that you have rights or license to utilize this content,
2. Make modifications to your app and/or its listing to bring it into compliance. To do so, remove any content that may be a protected work in your app and/or app listing.
3. Unpublish the listing from further availability on Google Play.

For further guidance, please refer to [this article](https://support.google.com/googleplay/android-developer/answer/2985818) for more information.