

Thermo Lignum International GmbH

Scherenbrandtnerhofstraße 6 – 5020 Salzburg

T +43 662 87 38 30 – info@thermolignum.at

ICOM General Secretariat

Maison de l'UNESCO
1 rue Miollis
75732 Paris Cedex 15
France
+33 1430 67862

Salzburg, 09 January 2020

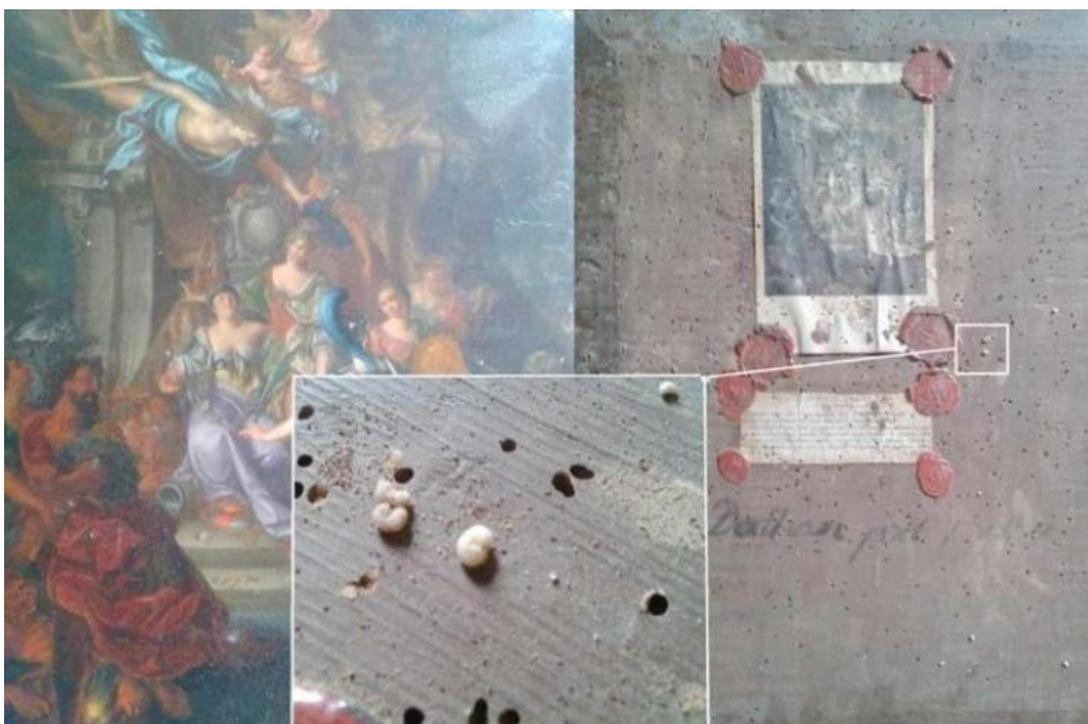
URGENT - Illegal use of a Thermo Lignum photo collage on your web page!

Dear Mr Keller, dear Ms Fouquet Lapar, dear Ms Conort,

please allow me to introduce myself, my name is Bernhard Schachenhofer, I am the director of Thermo Lignum® International, a company offering a non-biocidal alternative to the treatment of cultural heritage with nitrogen.

It has come to my attention, that ICOM has issued a call to submit information regarding the granting of a derogation according to the Biocidal Products Regulation (EU) 528/2012 (BPR) for products containing the active substance nitrogen for the protection of cultural heritage on your website under the following address: <https://icom.museum/en/news/icom-icomos-unite-in-call-to-allow-the-use-of-nitrogen-for-the-protection-of-cultural-heritage/>. The call is advertised in the NEWS section of your website as well under <https://icom.museum/en/news/>. The call is dated December 12, 2019.

For advertising your call, you use the following photo collage:

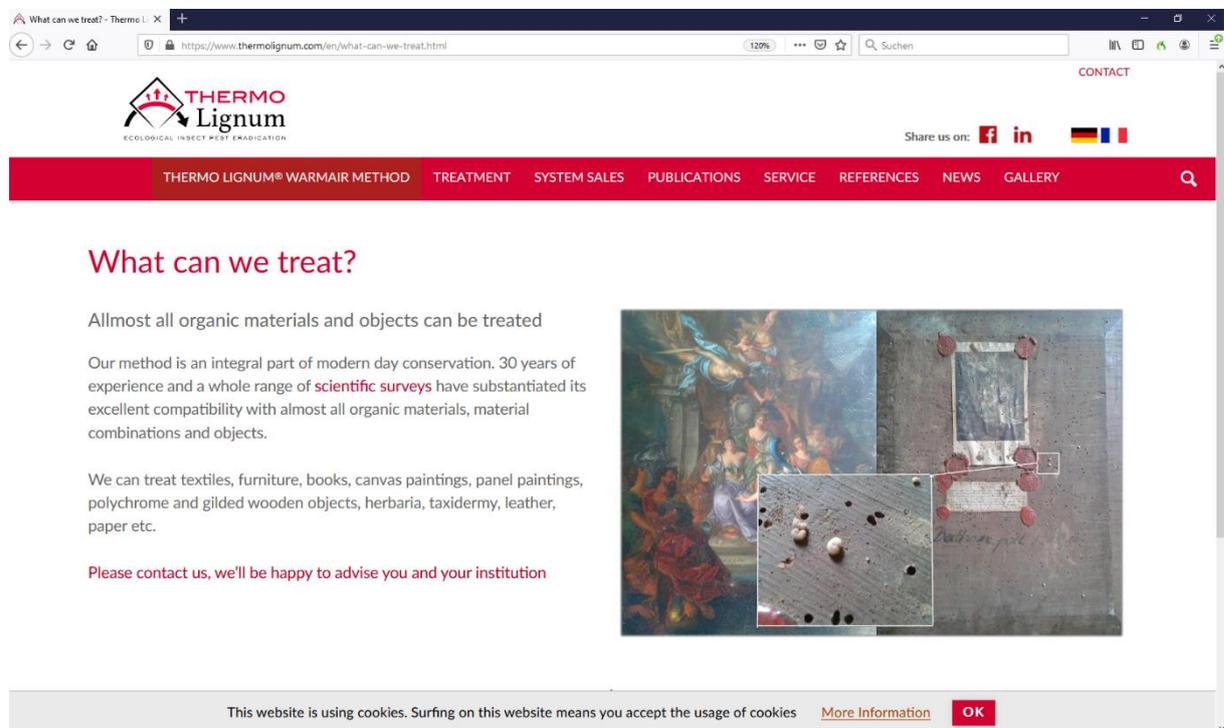


Together with the accompanying text you imply, that the pest control measure and its results shown on the photo collage are the result of a nitrogen treatment of cultural heritage.

In fact, the photo collage shows a painting belonging to the collection of a museum from Speyer (Germany) that was treated by our company with our certified Thermo Lignum® Warmair process in one of our treatment chambers at the Reiss Engelhorn Museums in Mannheim (Germany).

The pictures were taken by one of our employees and the collage was assembled by him as well. It appears, that this picture was illegally taken from our website, as we use this photo-collage to advertise our Thermo Lignum® Warmair process under

<https://www.thermolignum.com/en/what-can-we-treat.html>, as you can see in the following screenshot:



As you may be aware, it is illegal to use photos or photo collages on your website without obtaining a license by the rights holder. In addition, you are obliged to cite the source from which you took the photo or photo collage.

You use this photo-collage to support your opinion, that nitrogen is superior to all other treatments of cultural heritage, including the Thermo Lignum® Warmair process. And, what is more important, you also use it to call on your members and other actors involved in the preservation of cultural heritage to support the Austrian government in obtaining an Art. 55 (3) BPR derogation for nitrogen, which is in direct competition with our process.

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As we wish to avoid litigation over license fees, as well as other media and copyright claims, we hereby request that you

Mark the photo-collage on your website with the note:

"Result of a pest control measure with the Thermo Lignum® Warmair process on a painting." in the same font and size as the accompanying text below the picture, without delay, but no later than 13 January 2020. The text shall be placed directly underneath the collage.

The corresponding website with your call for action, the photo collage and the note must remain online until at least 18. January 2020.

Should you comply with our offer for an amicable settlement, we will refrain from any legal action in this matter and grant you license to use the photo collage in the described way.

Please allow me to mention, that if you do not comply with this offer for an amicable settlement, we feel compelled to engage a specialised lawyer to represent our legitimate interests and to enforce all media and copyright claims, including claims for damages.

As we unfortunately had to make some negative experiences with the presentation of our company, our product and our conduct with regard to the nitrogen issue and the marketability of corresponding products under the BPR, we take the liberty of publishing this letter on our website in order to prevent an incorrect perception of our interests and our approach.

From the outset, we have been interested in fair and clear regulation of the use of nitrogen for biocidal purposes, which does not treat other market participants unequally or disadvantages them.

For this reason, we hope, that we can settle this issue amicably.

Should you have any questions or remarks regarding this issue and its amicable settlement, please do not hesitate to contact Mr Henning Krueger (Tel.: +49 – (0) 231 – 39819105, E-Mail: lawyer@chemical-regulation.eu, who attends to our interest in this matter.

With best regards



Bernhard Schachenhofer
General Manager