

Bergamo, 22/12/2009

Dear Ms.

LEOTA L. BATES

c/o PERKINS COIE
607 Fourteenth Street N.W.
WASHINGTON D.C.
2005 – 2003

Via mail

LES LIENS INVISIBLE / FACEBOOK INC.

Dear Ms. Leota Bates,

I am answering your letter from 16/12/2009 in the name of the artistic group “Les liens invisibles”, creators of the website www.seppukoo.com, and I would like to specify the following:

1. The www.seppukoo.com website is not for commercial purposes but is merely an artistic website. It's one of the many net-art projects created by the group “Les liens invisibles” and is a non profit website. In fact, on the www.seppukoo.com website there are no commercial advertisements or banners and users are not requested to pay any money. This is explained thoroughly in the disclaimer of the website which can be read at this web address www.seppukoo.com/disclaimer .
2. The “Les liens invisibles” group has not subtracted data that is owned by facebook, nor has it stealthily sneaked into the computer system of your client, nor has it used your development platform “Connect”; thus the constraints of point 9 of your contract (<http://www.facebook.com/terms.php>) are not binding to the developers of seppukoo.
3. The information within the [seppukoo.com](http://www.seppukoo.com) website does not belong to facebook, but to the users of facebook and is a part of their property of friendships and personal relationships.
4. The information within the [seppukoo.com](http://www.seppukoo.com) website has been communicated to my clients voluntarily by the users. The facebook users have decided of their own accord to share their data with the www.seppukoo.com website and to forward a personalised message of farewell containing an invitation to “seppukoo” all their friends. The content of the invites is not a “commercial ploy”, as it is limited to indicating a link to the www.seppukoo.com website that, as expressed in point 1 of this document, is nonprofit and has no commercial intent, but only artistic intentions.

5. My clients have the right to receive information, ideas, and photographs from those people who are the legitimate proprietors of this data and can decide to share this data or to store it, with the prior consent of its respective owners. All of this is freedom of expression and the manifestation of thought and free circulation of ideas that is accepted and guaranteed in Europe and in the U.S.A.
6. Facebook cannot order the erasure of data that does not belong to it, acting against the free will of the owners of such data. This is not protection of privacy, but rather a violation of the free will of citizens that can decide freely and for themselves how to arrange their personal sphere.
7. The “Les liens invisibles” group will delete all of the information on the www.seppukoo.com website only if the owners of such information request it, but not if facebook does so.
8. The Les liens Invisibles group has never had a contract with facebook; therefore the contractual norms that are dictated unilaterally by facebook for its users cannot be used against the group. Therefore the dispositions of point 2) of your contract that only refer to users cannot be applied to the group, nor can those of point 9) that refer to the programmers who use the connect application.
9. The www.seppukoo.com website has its own logo that identifies it and has never used facebook’s logo, which can be seen from its domain.

In light of these considerations we are sorry to inform you that my clients will not delete their www.seppukoo.com website, nor will they delete the data therein, as facebook has ordered.

I remain at your disposal for any clarification.

Best Regards,



Ms. Maria Teresa Votta