

From the Desk of

Wolora Ashfaque
and
Associates

Date: 03/09/2023

LEGAL NOTICE
(By registered post with A/D)

To:

1. **SMC ENTERPRISE LTD.**
SMC Tower 33, Banani Commercial Area,
Dhaka-1213.
2. **Mr. Abdul Hoque**
Managing Director
SMC ENTERPRISE LTD.
SMC Tower 33, Banani Commercial Area,
Dhaka-1213.
3. **Mr. Khandaker Shamim Rahman**
General Manager, Marketing
SMC ENTERPRISE LTD.
SMC Tower 33, Banani Commercial Area,
Dhaka-1213.

.....**Notice Receiver.**

From:

Wolora Afrin
Barrister-at-Law
Advocate
Rose Garden
5-b/15, (ground floor), Shohid Solimullah Road,
Mohammadpur, Dhaka- 1207.

For and on Behalf of:

Mr. Shakib Khan
Actor and Producer
House-29, Road-100, Flat- C2,
Gulshan-2, Dhaka -- 1212.

.....**Notice Sender.**

Wolara Ashfaque and Associates

Dear Sir,

Under the instruction of my above-named Client, I do hereby serve you this legal notice in the following manner:

1. That our client, the notice provider, Mr. Shakib Khan is a National Award winning Actor and a famous & renowned and also film producer of Bangladesh. On 7th March, 2019, you, the notice receivers entered into an agreement with our client where our client engaged for promotional activities and endorsements of the product ORSaline.
2. That the agreement explicitly states in paragraph 1 that its terms/tenure were effective from 1st July, 2021 to 30th June, 2022. During this period our client, the notice provider, provided his services as an endorser for ORSaline-N. Furthermore, the agreement stipulated that the term of the agreement could be renewed for an additional year under the same terms and conditions. However, the agreement was not renewed after its expiration on June 30, 2022.
3. That it was also stipulated in the agreement, vide paragraph no. 04 (a) of the agreement that TVC, RDC, Press, Digital content, right for using celebrity's content will be for 1-year use (from the agreement period with 180 days grace period after the termination of the contract) and subsequent renewal period if any.
4. That it has come to our attention that, despite the expiration of the aforementioned agreement and the absence of any valid renewal, under your management and supervision, in the course of your business, the notice receivers have persistently and continuously displaying the advertisements featuring our client, Mr. Shakib Khan, in various episodes (1-29) of the "13 questions" show broadcasting by Channel I in the year 2023. These unauthorized uses, modification or repurposing of promotional and advertising

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materials related to our client's endorsement is being done without his permission and in breach of the terms of the original agreement negatively affecting his heritage and goodwill under the Contract Act 1872.

5. That such unauthorized continuation use of our client's images, goodwill and promotional materials constitutes a violation of his rights under section 35 of the Copyright Act, 2000. This infringement has led to financial loss, damage to reputation, and mental distress for our client.
6. That in addition, your aforementioned actions, reflects a mala fide intention to deceive and cheat our client, thus several criminal suits can also be brought against you pursuant to Sections 415, 418 and 420 of The Penal Code, 1860.
7. That by using the advertisement beyond the contract's expiration, you breached the term of agreement making you liable under section 73 of the Contract Act 1872.
8. That therefore, we hereby demand that you immediately cease and desist from any further unauthorized use, modification, or display of our client's images, goodwill, and promotional materials in connection with the product ORSaline-N.
9. That furthermore, considering the financial loss, damage to reputation, and inconveniences suffered by our client due to your actions, we are compelled to claim compensation on his behalf. Our preliminary assessment of the damages amounting to Tk. 4,00,00,000 (Four Crore Taka) which considering his brand image and value is a fair and reasonable compensation for the harm caused.
10. That you are hereby called upon to comply with the notice that you immediately cease and desist from any further unauthorized use and pay the damages to our client, within 07 (seven) days of the receipt of this legal notice.

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If you fails to do so our client will be compelled to take appropriate legal action against your company, which may include filing a lawsuit and seeking compensation for the losses incurred. Please consider this notice as an opportunity to rectify the situation before it escalates further.

Therefore, under the foregoing facts and circumstances, I/we, on behalf of our client, hereby inform you that you must pay the amount as claimed above within 07 (seven)days from the day of the service of the legal notice. If you, the notice receiver, fail to comply with the above-mentioned criteria, I/we shall take appropriate legal action against you without further notice in the courts of Bangladesh to enforce our client's right.

A copy of this notice is retained in my office for further reference.



(Wolora Afrin)
Barrister-at-Law
Advocate