

Imperial College London

To:

Julian Baker

Via email: julianmarkbaker@gmail.com
info@functionalfascia.com

With a copy by post to:

The Directors
JJ JINJA LTD (previously called Functional Fascia Ltd)
126b London Road West
Bath, BA1 7DD

3 July 2019

Dear Mr Baker,

Imperial College of Science, Technology and Medicine ("Imperial" or the "College") - Infringement of Intellectual Property Rights

1. We refer to our letter from 26 June 2019 (the "Letter") and to your email response from 26 June 2019 (21:08).
2. Terms defined in our Letter, have the same meaning in this letter unless expressly stated otherwise.
3. You state that the information on your Website is "a justifiable account of [your] past relationship with Professor Davies and gives relevant information to those who might wish to engage [your] services, is the truth and is published in the public interest". We understand that the information on the Website is not a justifiable account of Professor Davies' relationship with you; accordingly, it does not give relevant information to those who may wish to engage your services (as it is, at best, misleading) and is also not in the public interest (as it is likely to create confusion in the minds of the public). More specifically, we understand that:
 - (i) Professor Davies has been acquainted with you for approximately 20 years and during that time (but not since 2015) you would have discussed matters relating to anatomy. We also understand that you had in the past hired facilities at St George's (where Professor Davies previously worked) and at Imperial College. However, Professor Davies categorically denies that he has given you guidance and advice (as stated on your Website) in any form and certainly not in writing or in front of hundreds of people. Such claims are unfounded;
 - (ii) Professor Davies does not recollect that you have dined together on "countless occasions". He recollects three times in 20 years with the last two being at conference dinners;

- (iii) Professor Davies does not know what you are referring to regarding “written guidance on papers and submissions” or acting “as an introductory agent on [your] behalf”. If Professor Davies has been acknowledged in a book of yours, he does not have any knowledge of it. He has not been given a copy of that book or shown any acknowledgement;
 - (iv) We fail to see the relevance of Professor Davies being introduced by you at a conference. Professor Davies is himself sometimes tasked with introducing plenary speakers at professional conferences; however, that does not mean that he has any relationship with all or any of them;
 - (v) In light of the above, there is no objective evidence to the effect that Professor Davies has a relationship with you of the kind you wish to portray to the general public. Any relationship involving guidance and mentoring must be acknowledged bilaterally and Professor Davies categorically denies that such exists with you. For that reason, Professor Davies has not engaged, and does not wish to engage, with you via correspondence. He also objects to having his biography displayed on your Website. This is his personal information and he does not consent to it being processed by you in this manner.
4. Your allegation that Professor Davies “has also recently put in writing, comments which do not accurately represent his past relationship with [you] and [your] courses and which have damaged both [your] reputation and [your] livelihood” is categorically denied. Furthermore, your statement (as quoted in the preceding sentence), together with your continued insistence on giving the impression of a more substantive relationship with Professor Davies where such does not exist as a matter of fact and your statement to the effect that you wish to give “**relevant** information to those who might wish to engage **[your] services**” directly support our concern that the reason why you continue to insist on naming Professor Davies and Imperial College on your Website is to further your private business objectives and to boost your business by associating yourself with an academic of Imperial College. This is a violation of the privacy rights of Professor Davies and, given that our academic does not consent to information about him being published on your Website, this is also an infringement of Imperial College’s intellectual property rights. None of this is in the public interest.
5. We note that you have since our previous Letter added a disclaimer to the effect that neither Imperial College London nor Professor Ceri Davies “in any way endorse any of [your] current activities and that neither are associated with [you] at this time” right at the bottom of the page <https://functionalfascia.com/professor-ceri-davies/>. This is somewhat helpful but not at all prominent on the Website and, also, there is no disclaimer on your main page where you first mention Professor Davies and Imperial College - <https://functionalfascia.com/>. In any event, the disclaimer only partially addresses our concerns in that it does not negate the fact that Professor Davies’ personal data appears on your Website without his consent and that you continue to create the impression that Professor Davies has a substantive relationship with you, which he does not. This is not part of ordinary academic discourse, it is a privacy violation.
6. In light of the above, we ask again that you promptly and by no later than 5pm on Friday 5 July 2019 remove all references from your Website (and any other on-line media) to Professor Davies and Imperial College London.

7. We reserve any and all rights of Imperial College London to seek injunctive relief or any other remedy against any party in connection with any matters referred to in this letter. Professor Davies has reserved his right to complain to the Information Commissioner's Office.

Yours sincerely,

Legal Services Office

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Legal Services Office

Imperial College of Science, Technology and Medicine