



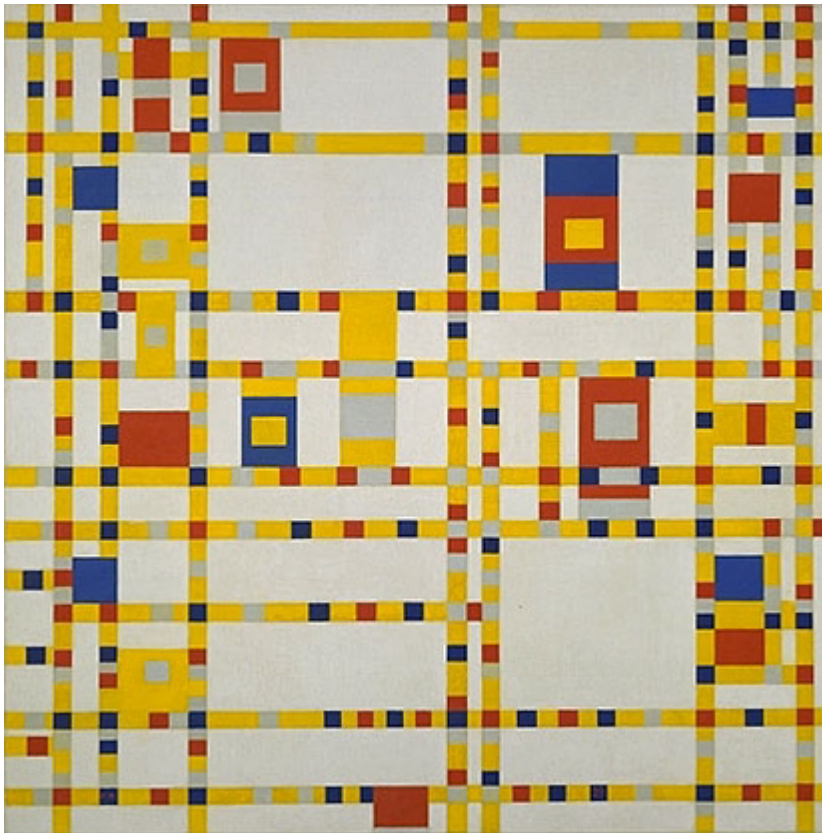
PRIZE BUDGET FOR BOYS
565 Sherbourne St.
Suite107
Toronto ON M4X 1W7
416-929-1246
<http://pbfb.ca/>
budgies@pbfb.ca

March 18, 2005

Dear Hilary,

Thank-you for providing guidelines regarding the use of the image "Broadway Boogie Woogie" on our website. The image to which you refer as "Broadway Boogie Woogie" appears as a .jpg in the Pac-Mondrian java applet. I downloaded the file from the Museum of Modern Art's website in the Fall of 2001 to include in the game. The actual image file used is available at the following location:

http://www.prizebudgetforboys.com/site/java/pac-mondrian/test/mondrian_broadway.jpg



In the applet, the image is referenced as "Piet Mondrian, Broadway Boogie-Woogie, 1942-3" which you can see by playing the game at

http://www.prizebudgetforboys.com/site/java/pac-mondrian/test/pac_mondrian.html

The image on MoMA's website bore a copyright notice, which I did not include in the game. This is the only image on the Prize Budget for Boys website that I concede could be construed as the property of the Mondrian/Holtzman trust. Any payment I may agree to

make is strictly limited to the use of the image in the afore-mentioned java applet.

The "Mondrian-like geometric picture" to which you refer does not infringe on the copyright of the Mondrian/Holtzman Trust, because it was created by a member of the Prize Budget for Boys in Photoshop using black lines, and red, blue, and yellow coloured squares, including a slight glitch in the major horizontal line: an imperfection Mondrian would never have permitted. The image is viewable at the following location:

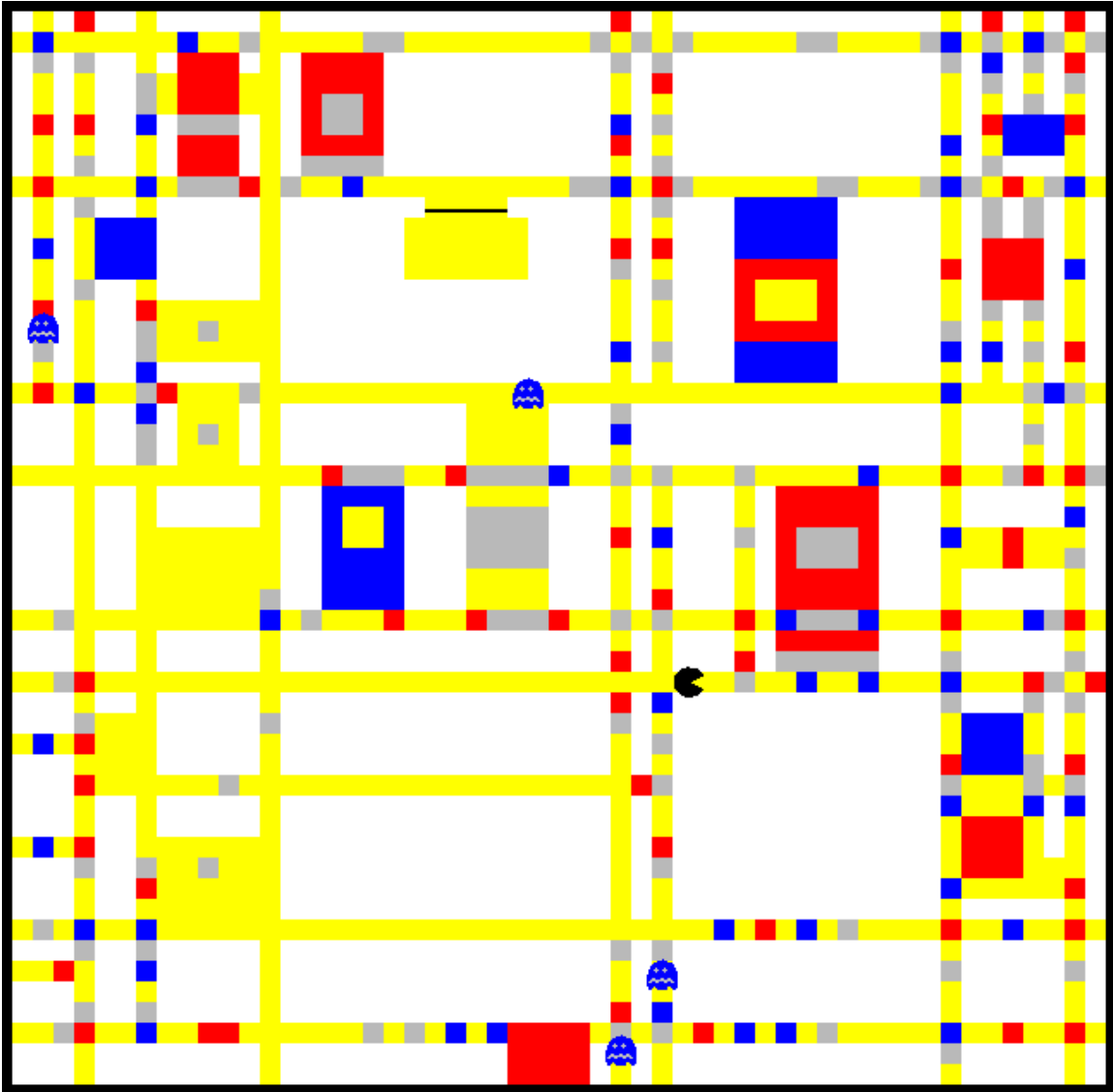
http://pbfb.ca/pac-mondrian/pacmondrian_marquee.jpg

The fact that I was asked to confirm in our telephone conversation that the image was not copied directly from a Mondrian painting, despite the expressed suspicions of the Mondrian/Holtzman Trust, calls into doubt my trust in the ability of the Mondrian/Holtzman Trust to act effectively on the behalf of Piet Mondrian's corpse.

The postcards to which you refer do not reproduce the "Broadway Boogie Woogie" image I downloaded from the MoMA website in 2001, but rather the Pac-Mondrian game board, which I created using a version of the Pac-Man Level Designer applet that I customised myself from Benny Chow's home page at <http://www.bennychow.com>

A screen shot of the game board, which was first published on our website to accompany the java applet in the Fall of 2002 and first published in print on the front page of the Arts section of the New York Times on December 27, 2004, is available here:

http://pbfbca.prizebudgetforboys.com/pac-mondrian/pac_mondrian_screenshot.html



Although the screen capture resembles the Piet Mondrian painting "Broadway Boogie Woogie", the Pac-Mondrian game board is an original work of the imagination that only used Mondrian's painting as inspiration. As such, the Trust has no claim against any monies derived from the sale of the postcards, including the Master Proofs auctioned on the Canadian eBay.ca site that closed at CAN \$12,100, which you mentioned having seen.

In addition, given that the copyright is no longer enforceable in Canada, any sales made in Canada through the Canadian eBay.ca website or the Canadian pbfb.ca website of Pac-Mondrian Postcard Portfolios, glitch prints, and any future Pac-Mondrian merchandise, are free of any claims made against them by the Mondrian/Holtzman Trust.

Also, you may have noticed on the Pac-Mondrian board the appearance of a black circle and four ghosts, which appear nowhere in Piet Mondrian's "Broadway Boogie Woogie" © 2005 Mondrian/Holtzman Trust c/o hcr@hcrinternational.com.

Although it is entirely erroneous to refer as you did to the images on the postcards as "paintings" since they were created using digital technology, I find it appalling that the Trust would even try to take money from an artist who is selling painted copies of another artist's work: a tradition in art economics that stretches back centuries, and a practice that helped provide sustenance to Piet Mondrian himself during his lifetime.

Even if the images on the postcards were the "Broadway Boogie Woogie" to which you refer, they would be in violation of the stated copyright restrictions if they were published after January 31, 2005, because they have been overprinted with the characters found in Namco's Pac-Man game. Any further printing of Pac-Mondrian game boards for sale after January 31, 2005 would be in violation of the copyright as stated in the letter. My plans, as stated on our website as of January 31, 2005, to create a series of Pac-Mondrian Prnt Scrn Screen Prints would be in breach of the contract to which you would like me to agree, and as such constitutes the most significant reason I cannot agree to the terms. The plans are listed as follows:

"Andy Warhol's silk screen aesthetic meets technical writing's screen shot document in a PFBF pop party of screen printed Pac-Mondrian screen captures with hand-painted Pac-Man and ghosts."

(from the page <http://pfbf.ca/pac-mondrian/buy.html>)

I created Pac-Mondrian as a celebration of a Piet Mondrian collaboration with Pac-Man to play and listen and look and dance: a feast for all the senses. I was quite flattered by and grateful for your generous compliment on the telephone that Pac-Mondrian is "creative and innovative", and I appreciate that the \$50 you ask for is a token amount, however I resent your attempt to shackle my future creative freedom.

In addition to all the above-mentioned irregularities in the letter I received, the mention of Atari as the Pac-Man copyright holder, the lack of appropriate Holtzman/Mondrian letterhead, the lack of a website beyond "under construction" at <http://www.hcrinternational.com/>, and the neglect of instructions as to whom or what the cheque should be written leads me to distrust that the letter is truly acting on behalf of the Mondrian/Holtzman trust. I rely on the Internet for my information, and due to the inherent mistrust of the telephone and print mediums, I am unwilling to trust you enough at this time to mail you a cheque.

The video game itself has always been available for free to anyone who could access the Internet and download it, and will always remain that way. The legal expense of a notarised statement affirming such is one I do not care to shoulder. You will just have to trust me.

Finally, in the November 2004 issue of *ARTnews* Harry Cooper, curator at Harvard's Fogg Art Museum and a Mondrian expert, is quoted as saying "Mondrian would probably approve of something like this. I think whoever came up with this must have read some of Mondrian's writings and been pretty sensitive to what he was after." As a Mondrian expert, he was able to notice that I had in fact deeply imbibed the spirit of Mondrian to the point whereby a series of spiritualist meditations via dancing to boogie woogie jazz while playing Pac-Mondrian led to an artistic metempsychosis, an aesthetic reincarnation of an old soul. I will not pay the Holtzman/Mondrian trust for the use of an image of Piet Mondrian's painting because I am Piet Mondrian.

Yours Sincerely,

Neil M Hennessy
Standing Member
Prize Budget for Boys