

The Quick and Dirty DMCA Takedown Notice Guide, V1.5

(7/11/2017: changes from V1.0: rewrite of some of the FAQ, correction of template)

(8/30/17: changes from V1.2: added walkthrough for finding hosting company)

- What is the DMCA?
 - The Digital Millennium Copyright Act (DMCA) was enacted in 1998 as part of treaties signed at the 1996 World Intellectual Property Organization (WIPO) Geneva Conference.
 - It relates to files, images, documents, etc. accessible on the Internet.
- What does this do?
 - It provides a safe harbor for Internet Service Providers (ISPs) for hosting content.
 - To prevent an ISP from being liable for copyright violation penalties, they **MUST** remove materials from their users' websites upon being given notice by a copyright holder.
 - A proper request will cause the ISP to remove the copyrighted content directly.
- What does notice look like?
 - See the next page for an example
 - Anything in [brackets] must be modified to be specific to your claim
- Does the material need to be registered with the U.S Copyright Office to be protected?
 - No.
 - This copyright infringement remedy does **NOT** require a registered copyright.
- If a copyright notice © has never been placed on the art/film/artistic work, is it protected?
 - You are automatically given copyright protection on anything you create, whether or not you put a formal copyright notice on your creation.
 - It is simple enough to add a “© 2017 Jane Doe” to put people on notice.
 - If you are commercially exploiting something (selling it), spend the \$35.00 to register it – you'll get a lot more protections and remedies, but I digress.
- How do I find the ISP of the website infringing on my copyright?
 - Many major sites, like Roku, Flickr, YouTube, etc., have direct links to send notices.
 - eBay and Amazon have specific provisions to make copyright claims.
 - Future revisions of this guide will have a links section
 - If it is some other web site, a whois search will help you find that.
 - See attached for walkthrough
 - All ISPs have a specific division to report copyright violations
- Can the infringing party fight the takedown notice?
 - Yes.
 - Most of the time, they do not bother, since they cannot prove ownership.

This guide will be expanded and revised as questions come in – please check for a current version.

SAMPLE TAKEDOWN NOTICE

VIA Email [ISPHost@somewhere.com]

Re: Copyright Claim

To the ISP Hosting Company, [name of hosting company]:

I am the copyright owner of the [artistic work] being infringed at [give direct web link to infringement].

A [copy of -or- a link to] the [artistic work being infringed] being infringed is attached to assist with its removal from the infringing website.

This letter is official notification under the provisions of Section 512(c) of the Digital Millennium Copyright Act (“DMCA”) to effect removal of the above-reported infringement. I request that you immediately remove the specified posting and prevent the infringer, who is identified by its web address, from posting the infringing [artistic work] to your servers in the future. Please be advised that law requires you, as a service provider, to “expeditiously remove or disable access to” the infringing [artistic work] upon receiving this notice. Noncompliance may result in a loss of immunity for liability under the DMCA.

I have a good faith belief that use of the material in the manner complained of here is not authorized by me, the copyright holder, or the law. The information provided here is accurate to the best of my knowledge. I swear under penalty of perjury that I am the copyright holder.

Please send me at the address noted below a prompt response indicating the actions you have taken to resolve this matter.

Sincerely,

/s/ [your name here]

[Address]

[phone number]

Email:[yourname@website.com]

Domain Host WHOIS Walkthrough

- In order to file a DMCA takedown notice, you must know who the infringing website’s hosting service is.
- A WHOIS search will bring that information

I prefer using <https://whois.icann.org/en> simply because it is the service that handles all the domain name services for the Internet. The main page looks like this:

The screenshot shows the ICANN WHOIS website homepage. At the top, there is a navigation bar with the ICANN logo and the text "ICANN WHOIS". To the right of the logo, there are links for "ABOUT WHOIS", "POLICIES", "GET INVOLVED", "WHOIS COMPLAINTS CENTER", and "KNOWLEDGE CENTER". Below the navigation bar is a large banner with the ICANN logo and the text "WHO Registered That?". To the right of the banner, there is a text box that reads: "ICANN's WHOIS Lookup gives you the ability to lookup any generic domains, such as 'icann.org' to find out the registered domain holder. Help us continue to improve WHOIS and share your thoughts!". Below the banner is a search bar with the placeholder text "Enter a domain" and a "Lookup" button. Below the search bar are four columns of links: "About WHOIS", "Policies", "Get Involved", and "WHOIS Complaints". Each column contains a brief description and a list of links. At the bottom of the page, there is a "NOTICE, DISCLAIMERS AND TERMS OF USE:" section with a paragraph of text.

And your search is as simple as entering a domain in the search bar, and clicking “Lookup”.

Say, for example, the infringing website is teechip.com – this is what the search results would look like:

ICANN WHOIS

teechip.com **Lookup**

Showing results for: TEECHIP.COM
Original Query: teechip.com

Contact Information

Registrant Contact	Admin Contact	Tech Contact
Name: TEECHIP ADMINISTRATOR Organization: Mailing Address: 41454 CHRISTY ST, FREMONT CA 94538 US Phone: +1.8662510432 Ext: Fax: Fax Ext: Email ADMIN@TEECHIP.COM	Name: TEECHIP ADMINISTRATOR Organization: Mailing Address: 41454 CHRISTY ST, FREMONT CA 94538 US Phone: +1.8662510432 Ext: Fax: Fax Ext: Email ADMIN@TEECHIP.COM	Name: TEECHIP ADMINISTRATOR Organization: Mailing Address: 41454 CHRISTY ST, FREMONT CA 94538 US Phone: +1.8662510432 Ext: Fax: Fax Ext: Email ADMIN@TEECHIP.COM

Registrar

WHOIS Server: whois.enom.com
URL: www.enom.com
Registrar: ENOM, INC.
IANA ID: 48
Abuse Contact Email: abuse@enom.com
Abuse Contact Phone: +1.4252982646

Status

Domain Status: clientTransferProhibited
https://www.icann.org/epp/clientTransferProhibited

Important Dates

Updated Date: 2017-04-28
Created Date: 2014-05-27
Registrar Expiration Date: 2018-05-27

Name Servers

NS-1227 AWSDNS-25.ORG
NS-1941 AWSDNS-50.CO.UK
NS-265 AWSDNS-33.COM
NS-596 AWSDNS-10.NET

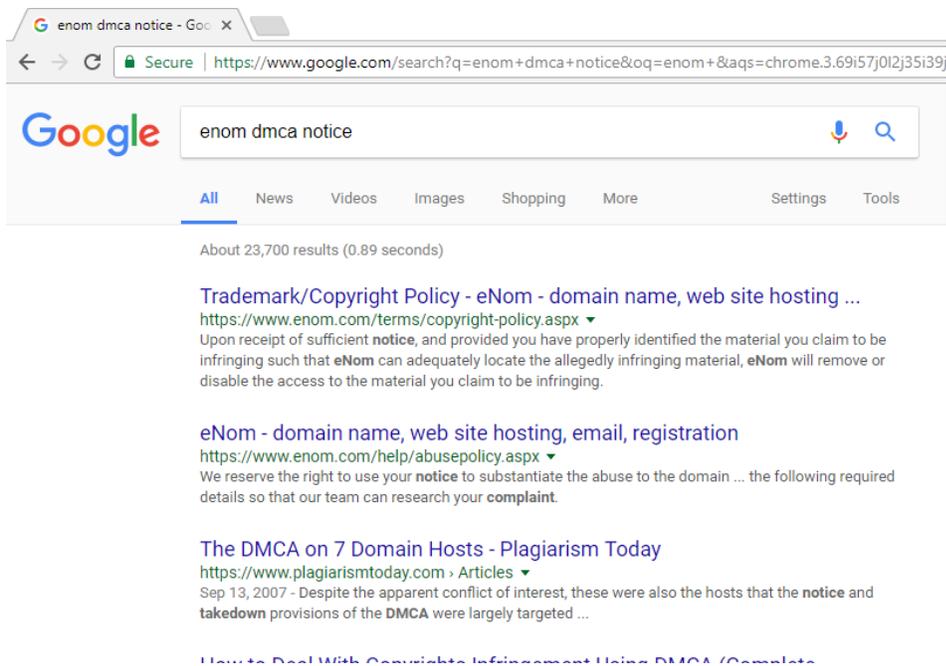
[Submit a Complaint for WHOIS](#)
[WHOIS Inaccuracy Complaint Form](#)
[WHOIS Service Complaint Form](#)
[WHOIS Compliance FAQs](#)

Most of this information is unimportant for our purposes. What you need is what's in the "Registrar" box:

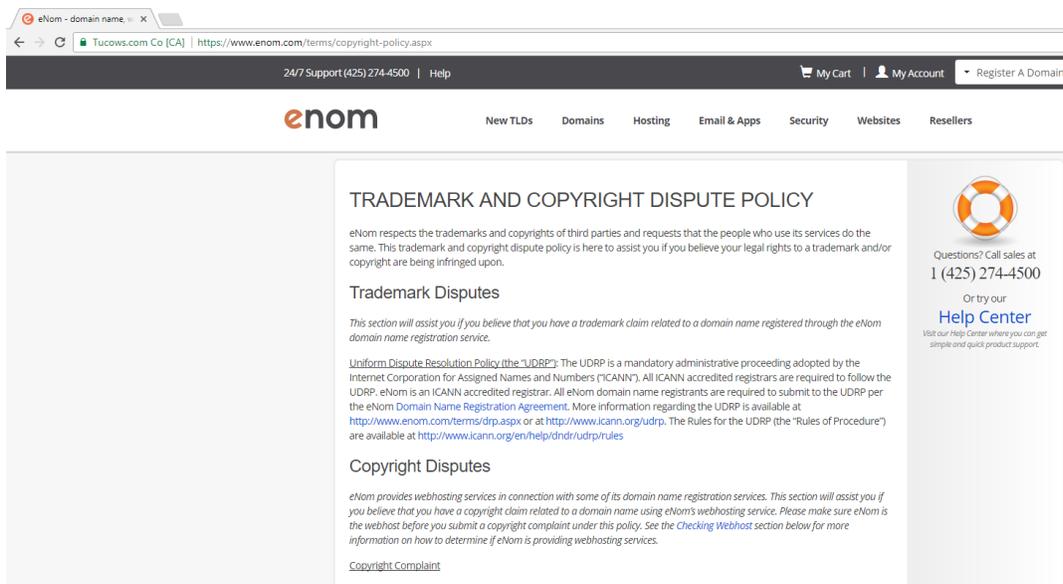
Registrar

WHOIS Server: whois.enom.com
URL: www.enom.com
Registrar: ENOM, INC.
IANA ID: 48
Abuse Contact Email: abuse@enom.com
Abuse Contact Phone: +1.4252982646

We see that that registrar for teechip.com is ENOM, Inc, and there is contact information. However, it's still best to do one more step, rather than send your complaint to the "abuse" email. A simple Google search!



Usually, the first link WILL be the correct place to find a registrar's DMCA page, since they have a vested interest in making it easy to find. And, lo and behold:



A whole page that tells you the specific e-mail address to send complaints to, along with their listed procedures!