

## The Quick and Dirty DMCA Takedown Notice Guide, V1.2

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

- 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
  - Future revisions will include an easy template
- 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.
    - Future revisions of this guide will include a walkthrough for finding this information.
    - 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.**

VIA Email [[ISPHost@somewhere.com](mailto: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]