

THE TECH CONTRACTS HANDBOOK

Software Licenses and Technology Services Agreements for Lawyers and Businesspeople

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Policy Document

DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA) POLICY

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DMCA POLICY

Date Posted: _____

This policy statement lists our requirements for notice of copyright infringement and for responses to such a notice if you or your materials are accused.

We use the copyright infringement procedures of the Digital Millennium Copyright Act.

A. Notice of Copyright Infringement

To notify us of copyright infringement, please send a written communication to our Copyright Notices Department, at the contact points listed below in Part C below. That

written communication should include the following:

- 1) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
- 2) Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.
- 3) Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit us to locate the material.
- 4) Information reasonably sufficient to permit us to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
- 5) A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
- 6) A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

B. Counter-Notice by Accused Subscriber

If you are a subscriber and we have taken down your materials due to suspicion of copyright infringement, you may dispute the alleged infringement by sending a written communication to our Copyright Notice Department, at the contact-points listed in Part C below. That written communication should include the following:

- 1) A physical or electronic signature of the subscriber.
- 2) Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled.
- 3) A statement under penalty of perjury that the subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.
- 4) The subscriber's name, address, and telephone number, and a statement that the subscriber consents to the jurisdiction of Federal District Court for the judicial district in which such address is located, or if the subscriber's address is outside of the United States, the Federal District Court for _____ [insert provider's home district], and that the subscriber will accept service of process from the person who provided notification of copyright infringement or an agent of such person.

C. Agent for Notices

Please send all notices required by this policy to our Copyright Notice Department at _____ [address, phone number, and e-mail address].

D. Termination of Repeat Infringers

In appropriate circumstances, we will terminate the accounts of subscribers who are repeat copyright infringers.

E. Revision of Policy

We may revise this policy at any time, including by posting a new version at this website.