

Sample Copyright Complaint Steps

Umbrella NetCon requires DMCA notices to be filed via letter. The complaint must include full contact information in the complaint (including phone number). We will call and verify. Email (unless digitally signed by a verified and trusted third party) is not an acceptable medium for legal complaints. This ticket system has received what appears to be a possible DMCA complaint, but one or more of the following are missing: (a) the complaint does not contain sufficient information (b) the format of the complaint is inconsistent with the requirements of the DMCA (c) the complaint has been submitted via email without proper authentication (d) full contact information is missing. We will need you to re-submit your claim, using the proper format, including sufficient details, via postal mail or fax. Instructions on how to do so follow.

It is our policy to respond to clear notices of alleged copyright infringement. This response describes the information that should be present in these notices. It is designed to make submitting notices of alleged infringement to us as straightforward as possible while reducing the number of notices that we receive that are fraudulent or difficult to understand or verify. The form of notice specified below is consistent with the form suggested by the United States Digital Millennium Copyright Act (the text of which can be found at the U.S. Copyright Office Web Site, <http://www.copyright.gov>) but we will respond to notices of this form from other jurisdictions as well.

To file a notice of infringement with us, you must provide a written communication that sets forth the items specified below. Please note that you will be liable for damages (including costs and attorneys' fees) if you materially misrepresent that a product or activity is infringing your copyrights. Accordingly, if you are not sure whether material available online infringes your copyright, we suggest that you first contact an attorney.

- Identify in sufficient detail the copyrighted work that you believe has been infringed upon or other information sufficient to specify the copyrighted work being infringed.
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- Identify the material that you claim is infringing the copyrighted work listed in item #1 above. You must identify each web page that allegedly contains infringing material. This requires you to provide the URL for each allegedly infringing result, document, or item.
- An example:
Infringing Web Pages:
<http://www.thewebsite.com/directory/>
<http://www.thewebsite.com/something/blah.html>
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- Provide information reasonably sufficient to permit us to contact you.
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- Provide information, if possible, sufficient to permit us to notify the owner/administrator of the allegedly infringing webpage or other content (email address is preferred).
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- Include the following statement: I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.
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- Include the following statement: I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
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- Sign the paper.
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- For the fastest processing and response we ask that DMCA complaints be submitted through email or sent by mail to us. Please allow routing and scanning time for mailed DMCA complaints.
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Regardless of whether we may be liable for such infringement under local country law or European Union law, we may respond to these notices by removing or disabling access to material claimed to infringe and/or terminating users of our services. If we remove or disable access in response to such a notice, we will make a good-faith attempt to contact the owner or administrator of the affected site or content so that the owner or administrator may make a counter notification.

We may also document notices of alleged infringement on which we act. As with all legal notices, a copy of the notice may be made available to the public and sent to one or more third parties who may make it available to the public. In order to ensure that copyright owners do not wrongly insist on the removal of materials that actually do not infringe their copyrights, the safe harbor provisions require service providers to notify the subscribers if their materials have been removed and to provide them with an opportunity to send a written notice to the service provider stating that the material has been wrongly removed. [512(g)]

If a subscriber provides a proper "counter-notice" claiming that the material does not infringe copyrights, the service provider must then promptly notify the claiming party of the individual's objection. [512(g)(2)] If the copyright owner does not bring a lawsuit in district court within 14 days, the service provider is then required to restore the material to its location on its network. [512(g)(2)(C)]

If it is determined that the copyright holder misrepresented its claim regarding the infringing material, the copyright holder then becomes liable to the OSP for any damages that resulted from the improper removal of the material. [512(f)]