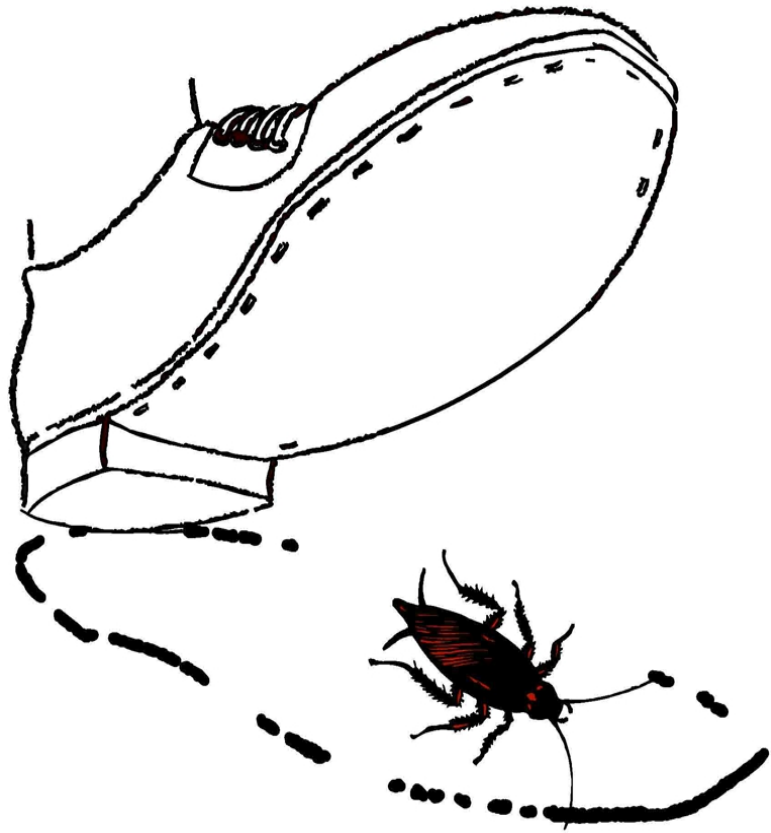


You Stole MY Stuff?? Take THAT You Thieving Little Cockroach!!

When you discover someone has ripped off your blogging materials -- this is about how to file a DMCA Notice and have your materials taken down off their website.

It is shattering when you find that someone has taken YOUR online blogging materials (photos, text, blog post, article, etc.) and relabeled it with their own name. You seethe with rightful outrage. Read below to find out how filing a DMCA notice is a practical way of asserting your legal ownership of the materials, and may mollify your anger by allowing you to respond productively.

I was recently reading (and commenting) on a post about copyright infringement and was surprised to read in the comments a considerable amount of misinformation about "what it is", and "what can you do". [So I'm re-running this post originally published in 2011]



First -- the "What It Is". This link is to the copyright.gov site --- direct to the [FAQ section](#) --- it will give you a quick and informative primer on what exactly your rights are as the creator of original works.

If you're short on time, I would suggest you hit the top two sections "*Copyright in General*" and "*What Does Copyright Protect*" and then skip down to the middle and read "*Can I Use Someone Else's Work? Can Someone Else Use Mine?*"

Secondly - What can you Do? It depends on the value of the stolen content, an attorney may be beyond your means for this instance. Or, let's just say you're like me and want to exhaust every avenue available to you - before you call in and pay for outside help.

So, back to what can YOU do? You know it's yours ... no question. Well, the obvious answer is you need to identify the property as belonging to you. So you call the folks using your materials online and politely explain to the infringer that the material is your property ... and either between the two of you it gets worked out, or equally likely, they tell you to go soak your head and hang up on you.

Move to Plan B - The material is being used online, but its unlikely the website where it is posted belongs to the individual poster. Nearly everyone has a hosted website on a third-party's ISP. So, again, you need to identify the material as your property - only this time you need to identify it to the ISP (the folks who own the servers that hosts that person's website). Why do they care? *Because they are required by law to RESPOND TO YOUR NOTICE.*

A Little Background - The Short Story: As the Internet started expanding exponentially copyright holders became increasingly agitated "their stuff" was being stolen and they were sharpening their axes and going after the ISP's - believing ... "look if you guys didn't publish/host this stuff - there wouldn't be any problems - YOU are causing the problem by giving thieves a venue --- and we might add - you greedy skunks are profiting by this. "

And the ISP's countered with "give me a break ...we're a legitimate business and host millions of accounts for a nominal fee, there's no way we can police the content of each and every nimmutz who posts material --- and even if we could... how are we supposed to know who's right? How are we supposed to know who the "real" owner and creator is? We're going to get our socks sued off just for asking questions - its not fair to put us in that position."

Ok - let's take a small field trip to this link that describes the [Digital Millennium Copyright Act](#) -- its provisions and ramifications.

You can read the whole page (later), but where we really want to get to now is have you go to about the middle of this explanation where it says "*Title II Online Copyright Infringement Liability Act*" and click on the [OCILLA](#) link. This is where the rubber-meets-the-road. I wanted to show you where it is so you can come back to read and understand the parameters of a DMCA Notice, and your federal rights as the owner of the originally created material.

The Resolution to our Short Story? The Feds basically agreed it would put an unnatural burden on ISP's if it held them responsible for sifting thru the varied content on their servers and making judgment calls as to rightful ownership, and they did offer them some protection in this regard from liability.

HOWEVER this protection (safe harbor) is only extended to them if they:

1/ PROVIDE A MEANS for copyright owners to report infringement

- and -

2/ CONSISTENTLY and RAPIDLY respond to these notices from copyright owners.

*"If a notice which substantially complies with these requirements is received the OSP must expeditiously remove or disable access to the allegedly infringing material"**

**Excerpted quote from Wikipedia.org*

What is "expeditiously remove" ? Usually 48 hours ... most of mine have been within 24 hours -- Within 24 hours I've gotten a response from the ISP that the infringing material has been taken down, and usually it is accompanied with an apology from the ISP for my inconvenience.

How do you find out the ISP for that website? Google "Who Is" and you'll be directed to any number of sites that search domain ownership by URL ... type in the URL of the website where you found your material being

used without your knowledge or permission. Look up the server listed (not the domain name registrar but the server); usually the contact info (URL, link or telephone) is also given.

Go to the hoster's site. Most ISP's have ON THEIR SITE a fill-in-the-blanks DMCA Notice form, as well as instructions on how to submit a form so it is routed rapidly within their organization; go there and fill it out.

You can google DMCA Notice and get a generic form if you have to. As you read in the OCILLA link above, there are specific items of information you must provide the ISP (under oath) in order for them to respond to your notice. I email the notice and attach a PDF of my original materials proving my claim.

THE END STORY - There are few ISP's on the planet who are going to put their entire operation at risk because some nimmutz put unauthorized material onto their servers that didn't belong to them.

- *Or*, -

Who will ignore a properly executed DMCA Notice because they risk invalidating their safe harbor status, which could result in some serious fines, if they don't respond to you.

Many have a 2 or 3 strike rule - if they get 2 or more reports on the same account, they close the account and take down the website (because hosting infringing material likely invalidates the individual's contract with the ISP, --- so the ISP is in the clear).

Some tell the individual to remove just the (reported) material .. and others take the individual's website offline, telling them since they (the host) have received a DMCA Notice about that site, would they kindly please check ALL their material again before the ISP re-connects the site and re-activates it? [Hint, Hint - you dang well better take everything else you've stolen off of that site now!]

Increasingly, hosters are adopting a zero tolerance stance - that's between the thief and their host.

Now, doesn't that make you feel better, understanding that yes --- you can DO something (if you want to).

Thanks for Stopping By!

Judith, The Floor Plan Lady