

# Digital Millennium Copyright Act Policy

## Digital Millennium Copyright Act

DDMS's policy is to respond to clear notices of alleged copyright infringement. This page describes the information that should be present in these notices. It is designed to make submitting notices of alleged infringement to DDMS 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 DDMS will respond to notices of this form from other jurisdictions as well.

Regardless of whether DDMS may be liable for such infringement under local country law or United States law, DDMS's response to these notices may include removing or disabling access to material claimed to be the subject of infringing activity and/or terminating subscribers. If DDMS removes or disable access in response to such a notice, DDMS will make a good-faith attempt to contact the owner or administrator of the affected site or content so that they may make a counter notification. DDMS may also document notices of alleged infringement on which we act.

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## Infringement Notification for Allegedly Infringing Materials

To file a notice of infringement with DDMS, you must provide a written communication (by regular mail -- not by email, except by prior agreement) 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 any content or activity is infringing your copyrights. Accordingly, if you are not sure whether material available online infringes your copyright, DDMS suggests that you first contact an attorney.

To expedite DDMS's ability to process your request, please use the following format (including section numbers):

1. Identify in sufficient detail the copyrighted work that you believe has been infringed upon.
2. Identify the material that you claim is infringing the copyrighted work listed in item #1 above.

**NOTE:** FOR WEB SEARCH, YOU MUST IDENTIFY EACH SEARCH RESULT THAT DIRECTLY LINKS TO A WEB PAGE THAT ALLEGEDLY CONTAINS INFRINGING

MATERIAL. This requires you to provide (a) the search query that you used, and (b) the URL for each allegedly infringing search result.

3. Provide information reasonably sufficient to permit DDMS to contact you (email address is preferred).
4. Provide information, if possible, sufficient to permit DDMS to notify the owner/administrator of the allegedly infringing Web page or other content (email address is preferred).
5. Include the following statement: "I have a good faith belief that use of the copyrighted work described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law."
6. 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."
7. Sign the paper.
8. Send the written communication to the following address:

Attn: Contracts and Legal Services Department, DMCA Complaints  
DDMS Solutions, 40441 Amesbury Lane, Temecula, CA 92591, USA

### Counter Notification

The administrator of an affected site or the provider of affected content may make a counter notification pursuant to sections 512(g)(2) and (3) of the Digital Millennium Copyright Act. When we receive a counter notification, we may reinstate the material in question.

To file a counter notification with us, you must provide a written communication (by fax or regular mail -- not by email, except by prior agreement) 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 not infringing the copyrights of others. Accordingly, if you are not sure whether certain material infringes the copyrights of others, we suggest that you first contact an attorney.

To expedite our ability to process your counter notification, please use the following format (including section numbers):

1. Identify the specific URLs or other unique identifying information of material that DDMS has removed or to which DDMS has disabled access.
2. Provide your name, address, telephone number, email address, and a statement that you consent to the jurisdiction of Federal District Court for the judicial district in which your address is located (or Riverside County, California, if your address is outside of the United States), and that you will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person.

3. Include the following statement: "I swear, under penalty of perjury, that I have a good faith belief that each search result, message, or other item of content identified above was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled, or that the material identified by the complainant has been removed or disabled at the URL identified and will no longer be shown."
4. Sign the paper.
5. Send the written communication to the following address:

Attn: Contracts and Legal Services Department, DMCA Counter Notification  
DDMS Solutions, 40441 Amesbury Lane, Temecula, CA 92591, USA

#### Account Termination

For Web Services that have named accounts, DDMS will, in appropriate circumstances, terminate repeat infringers. If you believe that an account holder or subscriber is a repeat infringer, please follow the instructions above to contact DDMS and provide information sufficient for us to verify that the account holder or subscriber is a repeat infringer.