

# Copyright Policy

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Any and all original material on Madison and all OpenGov Foundation websites may be freely distributed at will under the [Creative Commons Attribution License](#), unless otherwise noted. All material that is not original to the OpenGov Foundation may require permission from the copyright holder to redistribute.

You do NOT have to ask permission to post original Madison and OpenGov Foundation material on a mailing list or newsgroup, to use an OpenGov logo as a pointer to us on your web site, or to reprint an OpenGov Foundation statement in a newspaper article. **Permission to do such things is explicitly granted.** Please do **not** write to us asking for permission, as this wastes our time and yours.

If you redistribute something you got from the Madison and OpenGov Foundation websites, it is appreciated if you make it known where the file originated, so people can get more info or updated versions.

## Copyright Infringement Notification

If you believe there is content on the Madison website that violates copyright law, let us know. Specifically, send us an email or letter that includes substantially the following:

A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

- \* Identification of the copyrighted work claimed to have been infringed, or, if multiple copies have been infringed, then the material or activity that is claimed to be infringing or to be the subject of infringement
- \* Identification of the material that is claimed to be infringing or to be the subject of infringement
- \* Information reasonably sufficient to permit the service provider to contact the complaining party
- \* 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,
- \* A statement that the information in the notification is accurate, and under penalty of perjury

The notice should be sent to OpenGov via email ([sayhello@opengovfoundation.org](mailto:sayhello@opengovfoundation.org)).

We may display a copy of your DMCA notice in place of the removed content.

**Note:** Under Section 512(f) of the DMCA, any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability for damages. In addition, “in order for a copyright owner to proceed under the DMCA with 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,” the owner must evaluate whether the material makes fair use of the copyright.” *Lenz v. Universal*, 572 F. Supp. 2d 1150, 1155 (2008)

The OpenGov Foundation reserves the right to review the allegedly infringing material and independently determine whether it is infringing.

Please also note that the information provided in this legal notice will be forwarded to the person who provided the allegedly infringing content. A copy of this legal notice may also be sent (with your personal information removed) to a third-party that may publish and/or annotate it for noncommercial research and educational purposes.

## **Counter-Notification: What You Can Do If Your Content Was Removed**

If you believe material you posted to the Madison website was not infringing, you can submit a counter-notice.

A counter-notification must include the following:

- \* Identification of the specific URLs of material that OpenGov has removed or to which OpenGov has a claim.
- \* Your full name, address, telephone number, and email address.
- \* The statement: "I consent to the jurisdiction of the Federal District Court for the district in which the material was removed."
- \* The statement: "I swear, under penalty of perjury, that I have a good faith belief that the material was not infringing."

A scanned physical signature or a valid electronic signature is fine.

Please send your counter-notice to the OpenGov Foundation, via email (say-hello@OpenGovFoundation.org).

Please note that under Section 512(f) of the Copyright Act, any person who knowingly materially misrepresents that material or activity was removed or disabled by mistake or misidentification may be subject to liability.

After we receive your counter-notification, we will forward it to the party who submitted the original claim of copyright infringement. Please note that when we forward the counter-notification, it includes your personal information. If you are concerned about protecting your anonymity, please consult with an attorney about other options.

After we send out the counter-notification, the claimant must then notify us within 10 business days that the claimant has filed an action seeking a court order to restrain you from engaging in infringing activity relating to the material on OpenGov's site. If we receive such notification we will be unable to restore the material. If we do not receive such notification, generally we will reinstate the material.

Please also be advised that in appropriate circumstances we terminate repeat infringers.