



**Information
Technology &
Telecommunications**

Rahul N. Merchant

Chief Information and Innovation Officer

255 Greenwich Street, 9th Floor

New York, NY 10007

212-788-6600

September 24, 2013

Shawn Musgrave

Email: 6796-00166452@requests.muckrock.com

Re: FOIL Request

Dear Mr. Musgrave:

I am writing to respond to your request pursuant to the Freedom of Information Law ("FOIL") for "a) A copy of the City of New York's DMCA policy; b) Any Takedown notices received by the Intellectual Property and Contracts Counsel (currently David Berman) from December 1998 to the day this request is processed." As stated below, your request is granted.

Regarding portion (a) of your request, the City of New York's policy is to follow the steps set forth in the Digital Millennium Copyright Act ("DMCA"). The City of New York has followed the law by designating an agent, David Berman, to receive takedown notices and by filing that designation with the Copyright Office. The most current designation may be found here: http://www.copyright.gov/onlinesp/agents/c/city_ny.pdf. Additionally, the City of New York has complied with the law by posting Mr. Berman's contact information and the requirements for a takedown notice to be valid on the City's Terms of Use page located here: <http://www.nyc.gov/html/misc/html/tou.html>. Section IV of the Terms of Use states, in part, that:

"B. The City respects the intellectual property of others and it asks its users to do the same. If you believe that your work has been copied in a way that constitutes copyright infringement via its display on, or other use by, NYC.gov, you may submit a notice pursuant to the Digital Millennium Copyright Act ("DMCA") by providing the City's Copyright Agent with the following information in writing:

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 are covered by a single notification, a representative list of such works;

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 the City to locate the material;
4. information reasonably sufficient to permit the City to contact you, such as an address, telephone number, and, if available, an email address;
5. a statement that you (and, if applicable, the person or entity on whose behalf you are acting) have 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; and
6. a statement that the information in the notification is accurate, and under penalty of perjury, that you are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

C. The City's designated Copyright Agent under the DMCA for NYC.gov is David Berman, who can be reached as follows:

David Berman
Intellectual Property and Contracts Counsel
City of New York
Department of Information Technology and Telecommunications
255 Greenwich Street, 9th Floor
New York, NY 10007
By email: copyright@doitt.nyc.gov

D. You acknowledge that if you fail to comply with all of the above notice requirements, your DMCA notice may not be valid.

E. For clarity, only DMCA notices should go to the Copyright Agent. To request permission to use City intellectual property located on NYC.gov, please contact the relevant City Agency by visiting www.nyc.gov and clicking on the drop-down box in the top left corner. For any other questions about NYC.gov, please visit our [contact page](#)."

With regard to portion (b) of your request for "any takedown notices received..." there are no such records.

Sincerely,



I. Cassandra Benito
Records Access Counsel