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Last modified on 07/19/2021 Digital Millennium Copyright Act Notification Guidelines We hear you: copyright law is complex.

Whether you’re a creator receiving a copyright notification or a rights holder seeking to submit one, we hope these guidelines help to clarify your rights and obligations, as well as explain Twitch’s policies for complying with the Digital Millennium Copyright Act (commonly known as the DMCA) and other copyright laws around the world.

As with all legal matters, consider consulting a legal professional to obtain specific guidance or answers to questions about what copyright law is or how it applies in a particular situation, what options you have if your content is targeted in a notification, and related issues.

We strongly encourage you to do so before taking any action that might impact your rights.

This guide isn’t legal advice and shouldn’t be taken as such.

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The DMCA and similar laws worldwide establish parameters for services like Twitch, which transmit and host user-generated content, to address claims that this content infringes someone’s copyrighted work.

When rights holders (or those who act on their behalf) believe their copyrighted work has been included in user-generated content on services like Twitch without their permission, they can submit a notification of claimed infringement (i.e. “notification”) to the service to have the allegedly infringing material removed from the website.

The DMCA and similar laws also allow individuals who receive certain types of notifications to dispute claims of alleged infringement (i.e. “counter-notification”) and permit rights holders to retract their notifications (i.e. “retractions”).

Below, we explain Twitch’s role in the DMCA process, what information must be contained in notifications, counter-notifications, and retractions, and how we handle these communications.

We expect notifications and counter-notifications to comply with the requirements in the DMCA and similar laws, and we will take into account any failure to comply.

For example, we may not act on a notification of claimed infringement if a claimant fails to substantially comply with all of the requirements we list below.

Twitch’s Role Twitch does not have the authority or ability to make legal judgments regarding allegations of copyright infringement.

It is our policy to follow statutes and court rulings regarding uses of our services and conduct of our account holders.

The DMCA and similar laws require that Twitch act as a “go-between,” processing notifications of claimed infringement from rights holders and counter-notifications from account holders and notifying the impacted parties.

It’s the responsibility of the rights holder and the account holder to resolve the dispute.

In addition to facilitating this claim/dispute process, Twitch is also responsible for: Setting the requirements for what must be included in notifications and counter- notifications, consistent with the requirements of the DMCA and similar laws; Keeping track of notifications directed to account holders, counter-notifications from account holders, and any court orders regarding these disputes; and Adopting and reasonably implementing a policy that requires termination in appropriate circumstances of account holders who repeatedly engage in copyright infringement on Twitch.

We call this our “Repeat Infringer Policy”, and it’s discussed in detail below.

Twitch’s Actions Upon Receipt of Notifications of Claimed Infringement If Twitch receives a complete notification from a rights holder or someone acting on their behalf claiming that content on a channel infringes the rights holder’s copyright, Twitch generally notifies the account holder.

At the same time, we will generally remove or disable access to recorded or other content containing the claimed infringing material.

We may disable a live-stream and/or suspend an account if the claimed infringement is continuing at the time we receive the rights holder’s notification.

Twitch’s Actions Upon Receipt of Counter-Notifications If Twitch receives a complete counter-notification from an account holder, Twitch generally notifies the claimant who submitted the original notification.

At the same time, we may restore recorded content containing the claimed infringing material.

Disputed notifications generally will not qualify for a strike under our Repeat Infringer Policy (discussed in more detail below), unless and until the dispute has been resolved by the account holder and the rights holder.

Please note that Twitch may not be able to reinstate certain material or access to it due to factors such as the passage of time or the format in which the material was broadcast or stored.

Twitch’s Actions Upon Receipt of Retractions If Twitch receives a retraction from a rights holder or someone acting on their behalf, we may restore recorded content containing the claimed infringing material and the disputed notification will not qualify for a strike under our Repeat Infringer Policy (discussed in more detail below).

Please note that Twitch may not be able to reinstate certain material or access to it due to factors such as the passage of time or the format in which the material was broadcast or stored.

Requirements for Notifications, Counter-Notifications, and Retractions How to Submit a Notification of Claimed Infringement If you are a rights holder or an agent thereof, and you believe that any material transmitted or stored on our service infringes your copyrights, then you may submit a written notification of claimed infringement by providing Twitch’s Designated Copyright Agent, defined below, with the following information: Today’s date Type of material you are reporting (e.g., Live Stream, VOD, Clip): URL where the allegedly infringing material can or could be found For claims against live streams and material on a channel page other than recorded videos, please provide a channel URL (e.g., https://www.twitch.tv/Channel\_URL) For claims against recorded videos, please provide a direct link to the video (e.g., https://www.twitch.tv/Channel\_URL/VOD\_URL for VODs; https://clips.twitch.tv/Clip\_URL for Clips) Date and time of the alleged infringement, where applicable Live streams Please indicate “Ongoing” if the alleged infringement is occurring at the time of your submission (e.g., an unauthorized live sporting event or TV show that is currently being broadcast).

If the alleged infringement has concluded, please provide the date and an accurate timestamp or time frame that identifies, in Pacific Standard Time, when the allegedly infringing activity occurred (e.g., 1/21/2021 at 5:45pm PST).

VODs Please provide a timestamp of the particular segment of the VOD at which you claim infringing activity has occurred.

You can either include a timestamp (e.g., [hour]:[minute]:[second]), or link to the timestamped portion of the VOD (this can be done by selecting the gear icon and clicking “Copy Video URL at [time]”) Identification of the copyrighted work that was allegedly infringed Link that points directly to an authorized example of the copyrighted work, if available (e.g. URL to your website or your Twitch page where work is displayed)

Name of the rights holder (owner of the copyright) (person or company)

Your relationship to the rights holder (e.g., whether you are the rights holder or an authorized agent) Information that allows Twitch to contact you, including Your full name Your organization, if applicable Your full postal address (Street, Unit #, City/Town, State, Mailing Code, Country)

Your phone number, including International Code Your email address Verify these statements by including, and adding your name to, the following affidavit: I, <your full name as an electronic signature>, wish to state that: I have a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; This notification is accurate; and Under penalty of perjury, I am the owner, or an agent authorized to act on behalf of the owner, of an exclusive right that is allegedly infringed.

Notifications against most types of content can be submitted by filling out our webform here: Submit a notification of claimed infringement Notifications can also be sent to Twitch in one of the ways described in “Designated Copyright Agent” below.

Providing all of the information listed above makes it easier for Twitch to take action on your notification, and failure to do so could render your notification ineffective.

Please note that copyright complainants have an obligation to preserve evidence of the alleged infringement.

Twitch generally forwards complete notifications of claimed infringement to the accused account holder to give the accused account holder an opportunity to review the allegations of infringement and take appropriate action, among other reasons.

Finally, notifications of claimed infringement that include false statements or knowing misrepresentations will be rejected if Twitch becomes aware of them, and may subject the claimant who submitted the notification to liability – for example, pursuant to 17 U.S.C. § 512(f).

How to Submit a Counter-Notification If you are a Twitch account holder and a notification of claimed infringement has been submitted against your content, we encourage you to review the details we have provided and consider your options.

If you believe that the notification – and any action Twitch has taken as a result – was sent due to a mistake (for example, you believe your actions qualify as fair use under U.S. law) or misidentification, then you may send us a counter-notification.

To send a counter-notification – whether responding to a notification directed to recorded content, a live stream, or something else – please provide all of the following information: URL(s) where the material that was the subject of the notification of claimed infringement appeared before it was identified, removed, or access to it was disabled Name of the claimant who submitted the notification Your Twitch channel name (e.g., twitch.tv/Username)

Your full legal name Your email address Your full postal address (Street, Unit #, State, Mailing Code, Country)

Your phone number, including International Code Verify these statements by including, and adding your name to, the following affidavit: I, <your full name as an electronic signature>, wish to state that: I consent to the jurisdiction of the Federal District Court for the judicial district in which my address is located, or if my address is outside of the United States, the judicial district in which Twitch may be found, and will accept service of process from the claimant.

I swear, under penalty of perjury, that I have a good faith belief that the material identified in the notification was identified, removed, and/or disabled as a result of mistake or misidentification.

You also have the option to explain why you believe there was a mistake or misidentification.

Counter-notifications that include all of the information above should be sent to Twitch using one of the methods described in “Designated Copyright Agent” below.

Keep in mind that failure to provide this information could result in Twitch being unable to take action in response to your counter-notification.

How to Submit a Retraction If you are an account holder who has received a notification of claimed infringement, you can seek a retraction by reaching out to the rights holder or agent who sent the notification directly.

Twitch will honor retractions of notifications from the party that originally submitted the notifications.

If you are a rights holder or agent who submitted a notification that you wish to retract, please email the following to dmca-notifications@twitch.tv from the same email address as your original notification.

We cannot process retractions that are sent from a different email address.

The date of your original notification and, if applicable, the Claim ID – replying to the takedown confirmation email we sent may help us respond more quickly.

The copyrighted work(s) allegedly infringed.

The URL(s) where the allegedly infringing material could be found.

An electronic or physical signature (typing your full legal name is sufficient).

Repeat Infringer Policy We will terminate an account holder’s access to the Twitch service if that user is determined by Twitch to be a “repeat infringer” of copyrighted works on the service – under our policy, a user will be considered a repeat infringer if they accrue three copyright strikes.

Furthermore, we may in appropriate cases and at our sole discretion, limit access to the Twitch service and/or terminate the accounts of any users who blatantly and egregiously infringe the intellectual property rights of others, whether or not repeat infringement has occurred.

Account holders generally earn a strike when Twitch receives a complete notification of infringement and does not receive a complete counter-notification regarding the alleged infringement or a retraction of the notification.

Strikes are not permanent, but rather are associated with an account for enough time for Twitch to determine whether the account holder is engaging in repeated infringement such that termination is necessary under this Policy.

When determining whether account holders are repeat infringers under this policy, we take into consideration complete notifications of claimed infringement from rights holders, complete counter-notifications from account holders, retractions from rights holders, and other relevant factors and circumstances.

Twitch may also ask the complainant and/or account holder for more information where we think it’s necessary to fairly apply our Repeat Infringer Policy.

If a relevant court rules that an account holder is an “infringer” or “repeat infringer” on Twitch, we will take that ruling as conclusive under our Repeat Infringer Policy.

To provide judicial determinations showing that an account holder is an infringer, or a repeat infringer, on the Twitch service, please forward it to our Designated Copyright Agent (see below) with “court ruling regarding infringer/repeat infringer” in the subject line.

Twitch personnel will review the submission and may contact the complainant and/or account holder to verify the court ruling and understand its scope.

Designated Copyright Agent Twitch Interactive, Inc. operates www.twitch.tv , twitchrivals.com , and twitchcon.com .

Twitch’s Designated Copyright Agent receives notifications of claimed infringement, counter-notifications, and retractions, and can be reached as follows: Webform: https://twitch.tv/copyright-claims – this is the best and fastest way to submit notifications of claimed infringement Email: dmca-notifications@twitch.tv Mailing Address: Attention: Copyright Agent, 350 Bush Street, 2nd Floor, San Francisco, CA 94104, United States of America Phone: (415) 262-9766 Only copyright-related notifications of claimed infringement and counter-notifications that conform to the law and our guidelines above should be sent to Twitch’s Designated Copyright Agent.

Requests for retractions should be sent to the email address provided above.

Any other requests for support or other communications should be directed to Twitch customer service through https://help.twitch.tv/customer/portal/emails/new .

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