

# QUICK-START GUIDE FOR CONTACTING SOCIAL NETWORKING SITES ABOUT COPYRIGHT ISSUES

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Even John McCain, a self-admitted late-adopter of new technology, has recognized the public's prolific use of "social media" and "user-generated content" websites. These sites have improved collaboration, reunited lost friends, and even provided an easy way to send Grandma a video of junior's first steps. But an obvious consequence of this activity has been an increase in complaints of copyright infringement about materials posted on these sites.

This article attempts to provide IP owners with the nuts and bolts about copyright complaint processes established by some of the more popular "social media" and "user-generated content" websites: YouTube, MySpace, Facebook, Twitter, Flickr, Friendster, and Photobucket.

**DMCA Notification.** The Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. §512(c), codifies the process for notifying an internet service provider about alleged copyright infringement. This is commonly referred to as a "take-down notice".

Under the DMCA, a "take-down notice" should include the following information (the "DMCA Information"):

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 at a single online site are covered by a single notification, a representative list of such works at that site.
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 service provider to locate the material. (Usually this will include the URL where the material is posted).
4. Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
5. 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.

6. A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

## **Specific Complaint Procedures**

### **YouTube**

YouTube's Terms of Service, which includes its copyright infringement policy, can be found at <http://www.youtube.com/t/terms>.

**Copyright Complaints.** The **DMCA Information** can be sent via the following methods:

By mail: Heather Gillette  
YouTube, Inc.  
901 Cherry Ave., Second Floor  
San Bruno, CA 94066

By Fax: 650.872.8513

By email: [copyright@youtube.com](mailto:copyright@youtube.com)

YouTube's online complaint form ([http://www.youtube.com/t/dmca\\_policy](http://www.youtube.com/t/dmca_policy)) also may be used if you have a YouTube account.

### **MySpace**

MySpace's Terms of Service, which includes its copyright infringement policy, can be found at <http://www.myspace.com/index.cfm?fuseaction=misc.terms>.

**Copyright Complaints.** The **DMCA Information** can be sent via the following methods:

By mail: MySpace, Inc.,  
Attn: Copyright Agent  
8391 Beverly Blvd., #349  
Los Angeles, CA 90048

By fax: 310.388.0892

## **Facebook**

Facebook's instructions for reporting all intellectual property complaints are located at [http://www.facebook.com/legal/copyright.php?howto\\_report](http://www.facebook.com/legal/copyright.php?howto_report).

**Copyright Complaints.** The DMCA Information can be sent via the following methods:

The online complaint form: [http://www.facebook.com/copyright.php?copyright\\_notice=1](http://www.facebook.com/copyright.php?copyright_notice=1)

By mail: Facebook, Inc.  
Attn: Facebook Designated Agent  
1601 S. California Avenue  
Palo Alto, California 94304

By fax: 650.543.4801

By email: [ip@facebook.com](mailto:ip@facebook.com)

## **Twitter**

Twitter's copyright policy can be found at <http://twitter.com/tos>.

**Copyright Complaints.** The **DMCA Information** can be sent via the following methods:

By mail: Twitter Inc.  
Attn: DMCA Registered Agent  
539 Bryant Street, Suite 402  
San Francisco CA 94107

By email: [copyright@twitter.com](mailto:copyright@twitter.com).

## **Flickr**

Flickr's "Copyright/IP" policy is governed by Yahoo!'s "Notice for Claims of Intellectual Property Violations and Agent for Notice" (see <http://info.yahoo.com/copyright/us/details.html>).

**Copyright Complaints.** The **DMCA Information** can be sent via the following methods:

By mail: Copyright Agent  
c/o Yahoo! Inc.  
701 First Avenue  
Sunnyvale, CA 94089

By fax: 408.349.7821

By email: [copyright@yahoo-inc.com](mailto:copyright@yahoo-inc.com)

**Notes.** *No electronic attachments:* electronic notifications (via email) should not include attachments, as they “will not be received or processed.” *Publication of your Notice:* Yahoo!/Flickr may forward a copy of your notification to (1) the subscriber or account holder to whom the notification applies, and/or (2) Chilling Effects (<http://www.chillingeffects.org>), for publication.

### **Friendster**

Friendster’s “Terms of Service” can be found at <http://www.friendster.com/info/tos.php>.

**Copyright Complaints.** Friendster uses the same basic process for reporting all types of claimed intellectual property violations, terms of service complaints, or other legal complaints. The steps are as follows:

1. Go to the user profile that is the subject of your legal complaint.
2. Scroll to the bottom of the web page and click on the link “Report Offensive Content”.
3. Click on the category appropriate for your complaint.
4. Friendster will then contact you regarding the next steps, depending on your particular complaint.

### **Photobucket**

Photobucket’s “Copyright and Intellectual Property Policy” is at <http://photobucket.com/copyright>.

**Copyright Complaints.** The **DMCA Information** can be sent via the following methods:

By mail: Copyright Agent  
Photobucket.com, Inc.  
PO Box 13003  
Denver, CO 80201

By fax: 303.532.1099

By email: [abuse@photobucket.com](mailto:abuse@photobucket.com)

If properly notified that content infringes, Photobucket states it will “remove or disable access to such content,” and that it “reserves the right to remove or disable access to content without prior notice.”