

DMCA Policy

We are not lawyers and we highly advise you to seek legal counsel when making decisions on how to respond to or otherwise handle DMCA complaints. The following is meant to show you an overview of the process and what some possible actions and outcomes are.

I received a DMCA Takedown Notice. What should I do?

Whether the content belongs to you or not, you've gotten a notice that someone else is claiming it's theirs. The first step is to remove the content from your site until the case has been resolved. Unfortunately, there's no way around this. Whether you're a mom & pop shop, or a large corporation, if someone is claiming you're infringing on their material, it will need to be removed from your site until the situation has been resolved. We have a responsibility as your web host to make sure the content is removed in a timely manner once the notice has been sent or we face legal repercussions as well. Normally the person claiming a DMCA violation will e-mail both you and us and we'll immediately contact you regardless. After we send you the violation notice we'll give you 48 hours to take down the material as a courtesy and if you can't (or won't) remove it then we will do it for you.

Once it's been removed you need to decide whether the content belongs to you and you want to file a counter claim or the content doesn't belong to you and you want to resolve the case right away.

If the content is not yours

Simply let us know that you've removed it and we'll contact the group filing the claim to let them know the data has been removed and the case is resolved.

If the content is yours

You will want to file a counter-notice to state that the data in question is your property and you believe that it shouldn't be taken down.

Filing a Counter-Notice

If the content is yours and shouldn't have been removed, you'll need to file a counter-notice to the group sending the takedown notice. The notice should include the following info:

Your Contact Information

Identification of the Content Removing (including any necessary links or screenshots)

A statement under the penalty of perjury that you have a good faith belief that the content was removed by mistake

A statement consenting to the jurisdiction of your local US Federal District Court, or, if not in the US, to a US Federal District Court in any jurisdiction the group filing the initial claim is found

Your Signature

Send your counter-notice to to the group filing the claim and [CC_abuse@Lumos Data Centers.com](mailto:CC_abuse@LumosDataCenters.com) so we are kept in the loop. Once this is complete the ball is in the claimants court and they have the choice to either file a lawsuit or do nothing. They have a roughly a 10 day window to make this decision. If they choose to do nothing then after this period you may legally republish the content. If they choose to file suit then you will have to proceed with a legal defense until the matter is fully resolved.

Digital Millennium Copyright Act (DMCA)

The Digital Millennium Copyright Act (DMCA) is a United States copyright law that implements two 1996 treaties of the World Intellectual Property Organization (WIPO). It criminalizes production and dissemination of technology, devices, or services intended to circumvent measures (commonly known as digital rights management or DRM) that control access to copyrighted works. It also criminalizes the act of circumventing an access control, whether or not there is actual infringement of copyright itself. In addition, the DMCA heightens the penalties for copyright infringement on the Internet. Passed on October 12, 1998 by a unanimous vote in the United States Senate and signed into law by President Bill Clinton on October 28, 1998, the DMCA amended Title 17 of the United States Code to extend the reach of copyright, while limiting the liability of the providers of on-line services for copyright infringement by their users.

On May 22, 2001, the European Union passed the Copyright Directive or EUCD, which addresses some of the same issues as the DMCA. The DMCA's principal innovation in the field of copyright, the exemption from direct and indirect liability of internet service providers and other intermediaries (Title II of the DMCA), was separately addressed, and largely followed, in Europe by means of the separate Electronic Commerce Directive. (Unlike U.S. federal laws and regulations, the execution of European Union directives usually requires separate legislation by or within each of the Union's member states.)

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