

## DIGITAL MILLENNIUM COPYRIGHT ACT (DMCA) POLICY AND NOTIFICATION

Section 512 of the Copyright Law of the United States (17 U.S.C. §512) limits liability for copyright infringement by service providers if the service provider has designated an agent for notification of claimed infringement by providing contact information to the Copyright Office and through the service provider's website. CENTER FOR RAILROAD PHOTOGRAPHY AND ART, INC. (hereinafter CRPA, we, us or ours) has designated an agent to receive notification of alleged copyright infringement (our agent is identified below). This notification is made without prejudice or admission as to the applicability of the Digital Millennium Copyright Act, 17 U.S.C., Section 512, to CRPA.

### How to report a claim of infringement

If you believe that any of your exclusive rights under United States copyright law have been violated in a manner that constitutes infringement, **and** that the allegedly infringing material is accessible on this site or through CRPA as an online service provider, you must notify our designated agent.

The law requires that to be valid, your claim of copyright infringement must be **written and addressed to our agent** (identified below) **and must provide the following information** (the list below comes straight from the statute; if you do not understand the language please seek independent advice):

- 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 copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;
- **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;
- **Information reasonably sufficient to permit the service provider** (that's us) **to contact the complaining party** (that's you), such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted;
- **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; and
- **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.**

When filing an infringement claim, please include any URLs identifying the allegedly infringing material along with any other information that might assist our agent's investigation of your claim.

Upon receipt of a valid claim (i.e., a claim in which all required information is substantially provided) CRPA will undertake to have the disputed material removed from public view. We will also notify the user who posted the allegedly infringing material that we have removed or disabled access to that material. CRPA has no other role to play either in prosecuting or defending claims of infringement, and cannot be held accountable in any case for damages, regardless of whether a claim of infringement is found to be true or false.

**Please note:** If you materially misrepresent that material infringes your copyright interests, you may be liable for damages (including court costs and attorneys fees) and could be subject to criminal prosecution.

### **How to make a counter notification**

If you are a CRPA user and you feel that material that you have placed online that has been removed following an infringement complaint is in fact NOT an infringement, you may file a counter notification. Section 512 (g)(3) requires that to be valid, the counter notification must be **written** and **addressed to our agent** (identified below) **and must provide the following information** (again, the list below comes straight from the statute; if you do not understand the language please seek independent advice):

- A **physical or electronic signature** of the subscriber (that's you);
- **Identification** of the material that has been removed or to which access has been disabled **and the location** at which the material appeared before it was removed or access to it was disabled;
- A **statement under penalty of perjury** that the subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled; and
- The subscriber's **name, address, and telephone number**, and a **statement** that the subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the address is located, or if the subscriber's address is outside of the United States, for any judicial district in which the service provider may be found, and that the subscriber will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person.

Our designated agent will present your counter notification to the person who filed the infringement complaint. Once your counter notification has been delivered, CRPA is allowed under the provisions of Section 512 to restore the removed material in not less than ten or more than fourteen days, unless the complaining party serves notice of intent to obtain a court order restraining the restoration.

It is CRPA's policy to terminate users who are found to be repeat infringers.

**CRPA's designated agent is JOHN GRUBER.**

**By mail:**

CENTER FOR RAILROAD PHOTOGRAPHY AND ART, INC.  
Attn: JOHN GRUBER (DMCA)  
1914 Monroe Street  
P.O. Box 259330  
Madison, WI 53725-9330

**By e-mail:** [info@railphoto-art.org](mailto:info@railphoto-art.org) (Subject line: DMCA)