



Is Your Photo, Video, Music, Text or Design Copied on a Website or YouTube?

A question I am often asked is how to stop someone from copying original photos, videos, sound recordings, text or designs and posting them on a website or YouTube.

DMCA Take Down Notice

If the work is original with your company or its employees, you can hire a copyright attorney to send a **DMCA Take Down Notice** (Digital Millennium Copyright Act) to the website hosting company or to YouTube. The recipient usually takes down the copy immediately since the notice makes them liable for copyright infringement unless they take it down. The copyright in your work does not have to be registered. In the U.S., a copyright comes into being as soon as an original work is reduced to a tangible form or a recording.



If the Work is Created by a Consultant or Contractor

If the work is created by a paid consultant or contractors, your attorney may be able to draft an assignment of the copyright to you or your company. This attorney will also draft a written agreement that makes your company the owner of the copyright and intellectual property that consultants and contractors create.

What Does the Take Down Notice have to Say?

The notice has to identify the infringing material and state its web page location (URL). It also has to be addressed to the registered copyright agent for the hosting company. Your copyright attorney can find the name of the website hosting company and the name of its registered copyright agent.

Add a Copyright Notice to Your Works

You should add a copyright notice to every single sheet or multipage work showing your original photos, videos, musical records, sound recordings on the single sheet or the front page of the multipage work

For anything other than sound recordings, use the following short copyright notice:

© [year of publication, if published] [Personal or company name]

For sound recordings use the following copyright notice, in addition to the copyright notice above on the package or the label:

℗[year of publication, if published] [artist or company name]

What is the Catch?

You and your copyright attorney must have a good faith belief that the work requested to be taken down is infringing your work. Also, the law requires that if the copy is a “Fair Use” under the copyright law, you may be liable to the owner of the copied work for any damages from the removal of the work. Your copyright attorney must then evaluate the probability a court will find the copy is a “Fair Use”.

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