

A Modern Whodunit: Takedown Notifications' Impact on Identifying Alleged Copyright Infringers

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The Digital Millennium Copyright Act's safe harbor section 512 shields qualifying online service providers from claims of copyright infringement by their users. But copyright owners can send providers takedown notifications to remove infringing material as well as subpoenas to learn the identities of who uploaded the materials.

In 2015's *In re DMCA Subpoena to eBay, Inc.*, eBay sought to quash a subpoena served by photographer Barry Rosen, arguing that Rosen's subpoena was invalid because it was served after the company had received his takedown notification and had removed the infringing material. Although the California federal district court upheld the validity of Rosen's subpoena, the case illustrates the importance to copyright owners of complying substantially with section 512's notification requirements.

Excerpted from the *Texas Bar Journal*. To read the full article, please [click here](#).