

Digital Millennium Copyright Act (DMCA) Policy

Section 512 of the Copyright Law of the United States (17 USC §512; available online at <http://www.copyright.gov/title17/512>) 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.

Cedar Creek Web Design, LLC (hereinafter Cedar Creek) is a "service provider" within the meaning of Section 512 and we have designated an agent to receive notification of alleged copyright infringement.

Our agent

Cedar Creek's designated agent to receive notification of alleged copyright infringement is Bruce A. Wachholz.

By mail:

Cedar Creek Web Design, LLC.
Attn: Bruce A. Wachholz
2631 County Road J
Verona, WI 53593

By phone: 608-845-7077

By fax: 608-848-6313

By e-mail: dmca@cedarcreekwebdesign.com

How to report a claim of infringement

If you believe that a Cedar Creek hosting client (hereinafter a Subscriber) has posted material that infringes your copyright, you must submit a written claim to our designated agent. Section 512 (c)(3)(A) requires that in addition to being written and addressed to our agent, your claim of copyright infringement 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 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.
- 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.
- 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.

Cedar Creek is not required to respond to notices that do not meet the requirements of Section 512 (c)(3)(A).

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) Cedar Creek will undertake to have the disputed material removed from public view, in accordance with Section 512 (g). We will also notify the Subscriber who posted the allegedly infringing material that we have removed or disabled access to that material. Cedar Creek, as a service provider, 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.

In the event that Cedar Creek must remove, or disable access to, material on your site that is alleged to infringe another's copyright under the DMCA, you acknowledge and agree that Cedar Creek may do so by disabling access to your entire web site.

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 for perjury. Cedar Creek will actively refer complainants who use the DMCA for improper purposes to relevant law enforcement agencies.

How to make a counter notification

If you are a Subscriber and you feel that material 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 above) 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.
- 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.
- 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.

Cedar Creek is not required to respond to counter notifications that do not meet the requirements of Section 512 (g)(3).

Our designated agent will present your counter notification to the person who filed the infringement complaint. Once your counter notification has been delivered, Cedar Creek is allowed under the provisions of Section 512 to restore the removed material in not less than ten nor more than fourteen days, unless the complaining party serves notice of intent to obtain a court order restraining the restoration.

It is Cedar Creek's policy to terminate Subscribers who are found to be repeat infringers. Cedar Creek accommodates and does not interfere with "standard technical measures," as that term is defined in Section 512(i)(2).