

MICHAEL CROOK INTERNET PROPERTIES

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(315) 560-8886

November 01, 2006

Our Case Number: MCDM-2006-098

To Whom it May Concern:

Pursuant to Title II of the Digital Millennium Copyright Act ("DMCA"), namely, the Online Copyright Infringement Liability Act, you are hereby notified that certain potential copyright infringing materials are currently hosted by you in your capacity as an online service provider ("OSP"). This letter serves as written notification of claimed infringement.

As required by § 512(c)(3)(A)(i-vi) of the DMCA, the following information is provided concerning the claimed infringement:

- (i) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed. This signature appears below.
- (ii) 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.
- (iii) 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.

http://www.boingboing.net/2006/11/01/eff_sues_michael_cro.html

Within this blog is a link to another image, hosted through Laughing Squid:

<http://xeni.net/images/michaelcrook01.png>

Although this is a photograph of an interview done with Fox News Channel in May of 2005, consent for use of my image did not extend outside of the Fox family of channels. *To the best of my knowledge, information, and belief*, Fox News Channel did not expressly consent to publication of this photograph. Regardless, however, I did not authorize Fox News to enable outside sources to publish the image, which is of myself, thereby giving me jurisdiction over this matter.

Hence, it is my contention that my rights under the DMCA are being violated by the continued presence of this photograph, and although the photograph itself is not hosted on your server, it is linked to in such a fashion that it is represented to be part of your client's website.

(v) 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.

I have a good faith belief that use of the copyrighted materials described above a allegedly infringing is not authorized by the copyright owner, its agent, or the law.

(vi) 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.

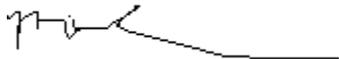
I swear, under penalty of perjury, that the information in the notification is accurate in that I am the copyright owner, in that the image, though belonging to another source is of me, thereby giving me certain copyright rights, and I believe that this matter is actionable under the provisions of the DMCA.

The DMCA further provides that the OSP shall fall within the safe harbor provisions of the Online Copyright Infringement Liability Act *only if it complies with this notification procedure*. Specifically, the Act states that upon obtaining knowledge or awareness of the copyright infringement, the OSP **must act expeditiously to remove, or disable access to, the material**. See §§ 512(c)(1)(A)(2), (c)(1)(C).

Having now received such knowledge or awareness by way of this notice, such expeditious action is hereby requested.

I may be reached regarding this matter at dmca@mcipdns.com.

Sincerely,



Michael Crook
MCIP