

Copyright Policy

Author : Michael Froomkin

Date : March 31, 2009

All Jotwell Content is Licensed Under a Creative Commons License

By posting any content to any Jotwell site, authors agree to make it generally available under a [Creative Commons Attribution-Noncommercial-Share Alike 3.0 License](#). The Attribution-Noncommercial Share Alike License allows others to use and modify Jotwell materials for noncommercial purposes, as long as they acknowledge Jotwell and the author of the contribution as the source of their material.

By submitting content to any Jotwell site, authors also give Jotwell, its editors, and agents a non-exclusive irrevocable license to publish their content, if and when compiled with other Jotwell contributions, in additional print and electronic media, now or hereafter devised including but not limited to online databases such as LexisNexis, Westlaw, SSRN, and BePress.

Please include the name of author, the section in which the contribution appeared, and URL of the original publication when crediting Jotwell.

Under the terms of the [Creative Commons Attribution-Noncommercial-Share Alike 3.0 License](#), parties using Jotwell content must license the derivative works of Jotwell material under the same license terms Jotwell imposes on its contributors. In other words, people re-using Jotwell content may not sell that content to others and may not sell materials that they develop using Jotwell content, and they must pass on this restriction to all downstream uses. For more information on Creative Commons licenses, please visit the [Creative Commons website](#).

Digital Millennium Copyright Act (DMCA) Policy Statement

Jotwell intends to allow copyright holders to submit legitimate notices of infringement while reducing the number of notices that are fraudulent or difficult to understand or verify.

Jotwell's response to these notices may include removing or disabling access to material claimed to be infringing. If we remove or disable access in response to a notice, we will make a good-faith attempt to contact the owner or

administrator of the affected content so they can make a counter notification. We may also document notices of alleged infringement on which we act.

Infringement Notification

A notice of infringement must be a written communication by regular mail. You will be liable for damages (including costs and attorneys' fees) if you materially misrepresent that a posted item is infringing your copyrights (See section [512\(f\)](#) of the DMCA). To assist Jotwell in responding to your claims, please use the following format:

1. Identify in detail the copyrighted work that you believe has been infringed. For website material that is being infringed, identify the text that is allegedly infringed and the URL where it can be found. For other materials, provide information necessary to identify the particular work – such as title, author, date, edition, volume, page, or other relevant particulars.
2. Identify the particular text or material that you claim is infringing the copyrighted work listed in item #1.
3. Provide your contact information – name, address, phone number and email address.
4. Include the following statement: “I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.”
5. Include the following statement: “I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.”
6. Sign the notice.
7. Send the written notice to the following address:

A. Michael Froomkin
Jotwell Editor-in-Chief
c/o University of Miami School of Law
PO BOX 248087
Coral Gables, FL 33124-8087

Counter Notification

The party that has posted the challenged content may make a counter notification pursuant to sections [512\(g\)\(2\) and \(3\)](#) of the DMCA. When we receive a counter notification, we may reinstate the material in question.

A counter notification must be a written communication by regular mail. You will be liable for damages (including costs and attorneys' fees) if you materially misrepresent that a product or activity is not infringing copyrights of others (See section [512\(f\)](#) of the DMCA). To assist Jotwell in responding to your claims, please use the following format:

1. Identify the specific article or URL or other identifying information of material that Jotwell has removed or disabled access to.
2. Provide your name, address, telephone number, email address, and a statement that you consent to the jurisdiction of Federal District Court for the judicial district in which your address is located (or Miami-Dade County, Florida if your address is outside of the United States), and that you will accept service of process from the person who provided notification under subsection [\(c\)\(1\)\(C\)](#) or an agent of such person.
3. Include the following statement: “I swear, under penalty of perjury, that I have a good faith belief

that each item of content identified above was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled or that the material identified by the complainant has been removed or disabled at the URL identified and will no longer be shown.”

4. Sign the notice.

5. Send the written notice to the following address:

A. Michael Froomkin
Jotwell Editor-in-Chief
c/o University of Miami School of Law
PO BOX 248087
Coral Gables, FL 33124-8087

Version 1.1

Last modified Sept. 29, 2010