

# Copyright Owners Have Legal Rights Under The Digital Millennium Copyright Act

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Copyright owners have the right to sue for infringement in US District Court if, without permission, a third party reproduces distributes or makes a derivative work based upon a copyrighted work, or, depending on the type of work, publicly performs or displays the work.

Also, since the Digital Millennium Copyright Act (DMCA) became effective in October 2000, copyright holders have additional causes of action, separate and apart from copyright infringement, that may be used to enforce their legal rights with respect to copyright protected works. Specifically, the DMCA provides civil and criminal remedies, in certain cases, if a third party circumvents a technological measure that effectively controls access to a copyright protected work.

Further, the DMCA provides civil and criminal remedies if a third party violates the integrity of copyright management information(CMI). This can occur if a third party knowingly provides, distributes or imports false CMI, intentionally removes or alters CMI, or distributes or imports works knowing CMI has been removed or altered.

What is CMI? Section 1202(c) of US Copyright Law defines copyright management information as “any of the following information conveyed in connection with copies or phonorecords of a work or performances or displays of a work, including in digital form, except that such term does not include any personally identifying information about a user of a work or of a copy, phonorecord, performance, or display of a work:

- (1) The title and other information identifying the work, including the information set forth on a notice of copyright.
- (2) The name of, and other identifying information about, the author of a work.
- (3) The name of, and other identifying information about, the copyright owner of the work, including the information set forth in a notice of copyright.
- (4) With the exception of public performances of works by radio and television broadcast stations, the name of, and other identifying information about, a performer whose performance is fixed in a work other than an audiovisual work.
- (5) With the exception of public performances of works by radio and television broadcast stations, in the case of an audiovisual work, the name of, and

other identifying information about, a writer, performer, or director who is credited in the audiovisual work.

(6) Terms and conditions for use of the work.

(7) Identifying numbers or symbols referring to such information or links to such information.

(8) Such other information as the Register of Copyrights may prescribe by regulation, except that the Register of Copyrights may not require the provision of any information concerning the user of a copyrighted work.”

As a copyright holder you should enforce your rights under the DMCA and make sure that you do not forget to include DMCA claims in any cease and desist letter or lawsuit filed to enforce your rights with respect to copyright protected works.

Schein & Cai can advise you with respect to all copyright matters. We assist companies in Silicon Valley and beyond, including San Jose, Santa Clara, Mountain View, Sunnyvale, Morgan Hill, Oakland, San Francisco, Palo Alto, San Mateo, Santa Cruz, South San Francisco, Daly City, Cupertino, Saratoga and Emeryville.