

Catalog SOP: Providing DMCA Counter Notice for Copyright Infringements

10/09/2024 2:06 pm CDT



Who is this for: Intended for sellers whose ASINs have been taken down due to a copyright infringement claim.



Objective: The SOP provides a guide on how to submit a DMCA (digital millennium copyright act) counter notice to address instances of copyright infringement. It outlines the necessary steps and instructions for filing the counter notice, ensuring compliance with legal requirements and helping to protect against wrongful takedowns of content.

Dear Amazon Seller Performance Team,

This letter is a formal response to a claim of copyright infringement against ASIN: insert ASIN here received on insert date here at insert time here hours, that were uploaded and published on Amazon.com at this URL location: insert product listing link here.

I believe the claims of copyright infringement made by insert email address here are inaccurate and should be rejected because:

- The material in question is not copyrighted, or the copyright has expired in the United States of America. It is therefore in the public domain and may be reproduced by anyone. The complainant has provided no copyright registration information or other tangible evidence that the material in question is in fact copyrighted, and I have a good faith belief that it is not. The allegation of copyright violation is therefore in dispute, and at present unsupported.
- The complainant does not hold the copyright to the material in question, is not the designated representative of the copyright holder, and therefore lacks standing to assert that my use of the material is a violation of any of the owner's rights.
- My use of the material is legally protected because it falls within the "fair use" provision of the copyright regulations, as defined in 17 USC 107. If the complainant disagrees that this is fair use, they must work directly with me, through legally viable channels, to resolve the dispute.

Amazon.com and its employees are under no obligation to settle this dispute or to take any action to restrict my speech at the behest of this complainant. The complaint does not follow the prescribed form for notification of an alleged copyright violation as set forth in the Digital Millennium Copyright Act, 17 USC 512©(3). Specifically, the complainant has failed to:

- Provide a complaint in written form. [17 USC 512©(3)(A)]
- Include a physical or electronic signature of the complainant. [17 USC 512©(3)(A)(i)]

- Identify the specific copyrighted work claimed to be infringed, or, if multiple copyrighted works are covered by a single complaint, provide a representative list of such works. [17 USC 512©(3)(A)(ii)]
- Provide sufficient information to identify the complainant, including full name, mailing address, telephone number, and email address. [17 USC 512©(3)(A)(iv)]
- Include a written statement that the complainant has a good faith belief that the use of the disputed material is not authorized by the copyright owner, its agent, or the law. [17 USC 512©(3)(A)(v)]
- Include a written statement that the information in the notification is accurate, and under penalty of perjury, that the complainant is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed. [17 USC 512©(3)(A)(vi)]

This communication to you is a DMCA counter-notification letter as defined in 17 USC 512(g)(3):

I declare, under penalty of perjury, that I have a good faith belief that the complaint of copyright violation is based on mistaken information, misidentification of the material in question, or deliberate misreading of the law.

I ask that Amazon.com, upon receipt of this counter-notification, restore the material in dispute, unless the complainant files suit against me within ten (10) days, pursuant to 17 USC 512(g)(2)(B).

My name, address, and telephone number are:

Insert Name Here

Insert Address Here

Insert Phone Number Here

I hereby consent to the jurisdiction of the Federal District Court for the judicial district in which I reside (or, if my address is outside the United States, any judicial district in which you may be found). I agree to accept the service of process from the complainant.

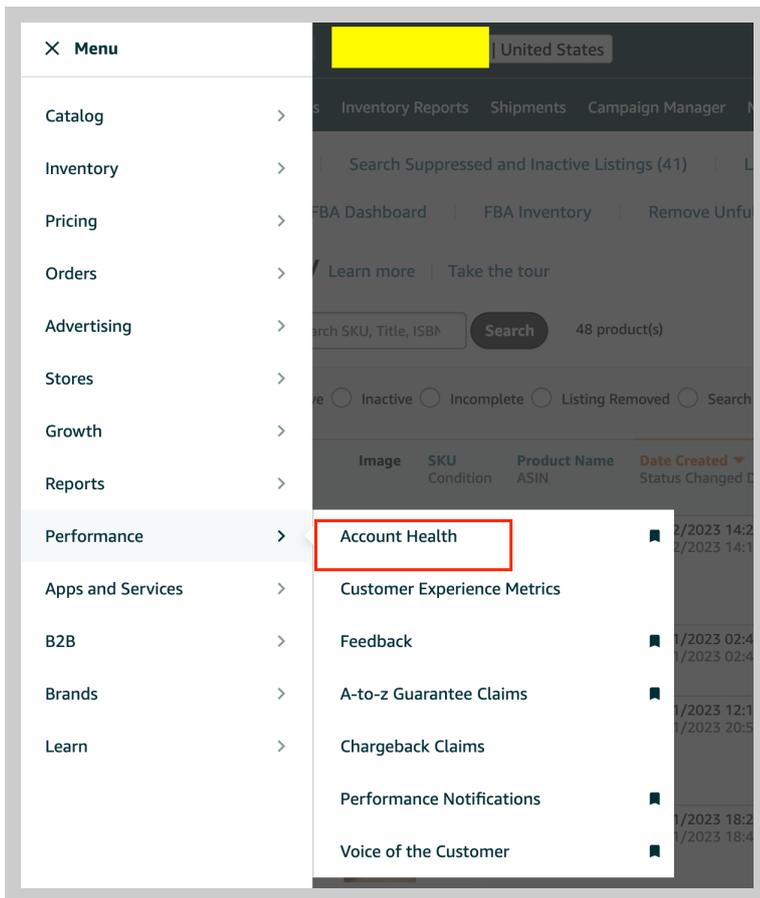
Insert Signature Here

Insert Name Here

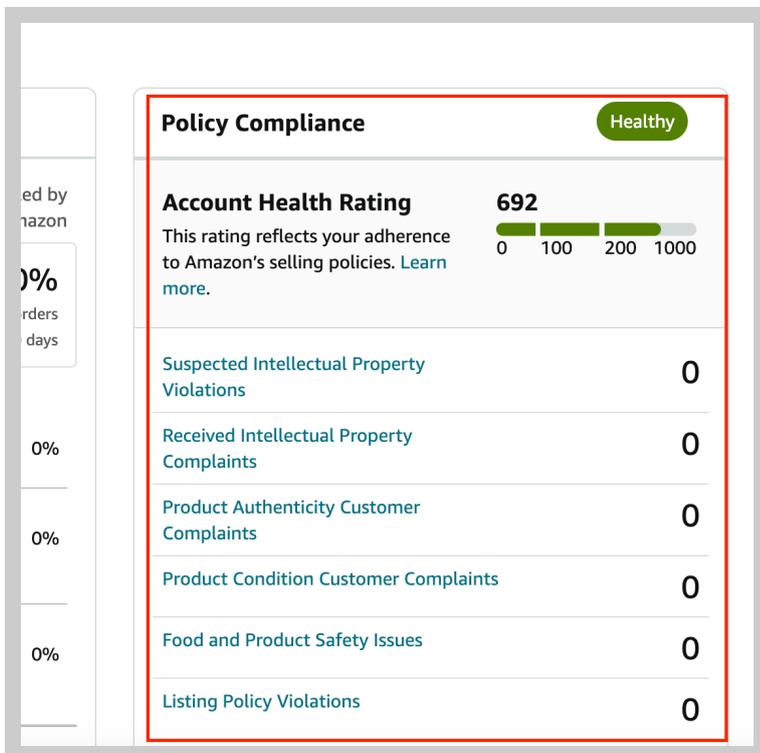
Date: Insert Date Here

Submit an Appeal to Amazon

1. Go to the "Performance" tab in Seller Central and select "Account Health" from the drop-down menu.



2. On the Account Health Dashboard, look for the ASIN under the "Product Compliance" section.



3. Once you found the listing, click the "Appeal" button that corresponds to the ASIN to submit the appeal.

submission is required.

Jan 26, 2023 [redacted] [redacted] [redacted] No impact

More info
Submit request
Status: Your submission is required

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