

Our DMCA Process

The process begins when a copyright holder (or someone acting on their behalf) submits a Digital Millennium Copyright Act (“DMCA”) takedown notice to us, claiming that their content is published on Learn Marine Navigation without their permission. They can submit a DMCA takedown notice via email, or printed letter.

Once this notice has been received we carry out the following:

- We review the notice.
- If the notice is complete and valid, we remove the content.
- We reply to the copyright holder to let them know we’ve taken action.
- We add a strike to the contributor’s/advertiser’s account if they don’t counter the notice.
- If the contributor/advertiser believes they have rights to use the content or that the notice was submitted incorrectly, we review and process their counter notice.
- We restore the content if the copyright holder doesn’t take further legal action within 10 business days.

Step 1: Reviewing the Takedown Notice

When we first receive a DMCA takedown notice, we review it to confirm that all of the required elements are present. The DMCA is law, so we cannot accept a notice that’s incorrectly submitted/completed.

In addition to reviewing notices for completeness, we also assess their validity. Although we respect copyrights, we also support everyone’s right to use content within the boundaries afforded by the law.

Specifically, we reject notices that appear to be fraudulent or where the content identified:

- Isn’t copyrightable (for example, a person’s name).
- Is content that the complaining party may not own the copyright for (for example, the subject of a photo isn’t necessarily the copyright owner of the photo).
- Is fair use of copyrighted content.

Step 2: We Remove the Content

If we receive a complete and valid DMCA takedown notice, we remove the content from the site and replace it with a DMCA removal message. For example, if we receive a DMCA takedown notice for an image within a post on our website, we’ll replace only that image with a placeholder and insert text at the bottom of the post; the rest of the post and site will be unaffected.

Step 3: We Notify the Site Owner and Reply to the Copyright Holder

Whenever we remove content from a site in response to a DMCA takedown notice we email the contributor/advertiser who provided the copy and send them a copy of the original complaint. We also notify the copyright holder to let them know that the allegedly infringing content has been removed.

If the advertiser/contributor wants the content republished, they can edit the details to remove the specific content at issue. (This is only an option when only a portion of a post was identified as infringing.) After making the changes, the contributor/advertiser must reply to our message to request removal of the DMCA takedown message.

Advertisers/Contributors cannot, under any circumstances, republish the allegedly infringing content.

Republishing content that was removed after receipt of a valid DMCA takedown notice could result in the advertisers/contributor being permanently suspended from Learn Marine Navigation. If the counter notice procedure is followed, we’ll restore the content at the appropriate time.

Step 4: We Add a Strike

We’re required by the DMCA to have a repeat infringer policy, so if an advertiser/Contributor doesn’t counter a complete and valid DMCA takedown notice, we add a strike to their account.

We assess strikes after 10 business days, so that no one’s site is suspended before they have a chance to review the issue and submit a valid counter notice.

Step 5: We Review and Process the Counter Notice

Sometimes an Advertiser/Contributor will disagree with the DMCA takedown notice, believing that they are lawfully using the content. We encourage Advertisers/Contributors to submit a counter notice if this is the case. After reviewing the counter notice for completeness, we reply to the Advertiser/Contributor and notify the copyright holder, providing them with a copy.

Step 6: We Restore the Content

In spite of the counter notice, the Advertiser/Contributor cannot republish the content because the copyright holder then has 10 business days to initiate legal proceedings against the Advertiser/Contributor to prevent them from using their content on Learn Marine Navigation Website. If at the end of the 10 business days, the copyright holder hasn't initiated legal proceedings, the DMCA requires us to restore the content.