

DMCA § 512 TAKEDOWN COUNTER-NOTICE REQUIREMENTS

When a service provider has received an effective takedown notice and acted expeditiously to remove the allegedly infringing materials from the server or network, the user or subscriber responsible for uploading the content to the server or network may request that access to the material be restored. This request is made in the form of a **written** counter-notification ([17 U.S.C. § 512\(g\)\(3\)](#)).

To be effective, the counter-notice must be sent to service provider's DMCA **designated agent**. An effective counter-notice must substantially include the following items:

1. **Signature** (physical or electronic) of subscriber;
2. **Identification** of the work that has been removed or disabled;
3. A statement of **good faith belief** that the work was removed or disabled as a result of mistake or misidentification;
4. Subscriber's **contact information** (name, address, and telephone number) and a statement consenting to the **jurisdiction** of the Federal District Court of their address and acceptance of **service of process** from the complaining party.

Upon receipt of a counter-notice, the service provider has **no less than 10 and no more than 14 days** to replace the removed material and cease disabling access to it, unless the complaining party has already filed an action seeking a court order to stop the infringing activity.



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