To: "DMCA" < DMCA@networksolutions.com>

From: John Young < jya@pipeline.com>

Subject: Re: DN: www.cryptome.org; Registrar: Network Solutions;

Host: Network Solutions - Cease and Desist Notice re Copyright

Infringement of Cryptome.org

Cc: <duffycarolan@dwt.com>

Bcc:

X-Attachments:

In-Reply-To:

<2EBD1B1936E8D44EAAB91BA12DA3ACC501610981@NSIVA-

EXCHANGE2.CORPIT.NSI.NET>

References:

Dear Ms. Larsen,

The photos have been removed, although the URL provided by the notice was erroneous and should have been corrected before our action. As a public service to beware all-too-common mistaken DMCA notices the erroneous notice has been published:

http://cryptome.org/0005/bang-dmca.pdf

Regards,

John Young

At 10:40 AM 11/2/2011 -0400, DMCA wrote:

VIA ELECTRONIC MAIL

Re: <u>Potential Infringement of Copyrighted Material by</u> <u>www.cryptome.org</u>

As you are aware, Network Solutions, LLC provides hosting services in connection with your Web site, <u>www.cryptome.org</u>. We have received the **ATTACHED NOTICE** from Duffy Carolan, an attorney with Davis Wright Tremaine LLP, acting on behalf of the Bay Area Newspaper Group (BANG), the publishers of the Oakland Tribune and its Internet version www.insidebayarea.com, claiming there is content on your Web site that is infringing on the copyrighted material of BANG, the Oakland Tribune and www.insidebayarea.com (the Claim). Pursuant to the Digital Millennium Copyright Act (the "Act), 17 U.S.C.S. §512, and our Acceptable Use Policy (the AUP), we will disable your Web site on or before Friday, November 4, 2011, unless the dispute between the Notifying Party and yourself is resolved. We are not in a position to determine whether or not the allegations in the Claim are true, and therefore we take no position as to the accuracy of the Claim. If you immediately remove the content that is objectionable to the Notifying Party, or you otherwise resolve the matter with the Notifying Party, and the Notifying Party confirms that his Claim has been resolved, it might not be necessary for us to disable (or continue to disable) the Web site. If you dispute the substance of the Notifying Party's Claim and wish to provide a counter-notification pursuant to the Act, please provide any such counternotification (and the information required by Section 512(g)(3) of the Act) to my attention at dmca@networksolutions.com and we will proceed accordingly. For your convenience, we have attached to this e-mail a copy of the Act as well as the informing notification from the Notifying Party. Please direct all questions regarding the allegedly infringing material to the Notifying Party, who is copied on this e-mail. If you are able to resolve this matter within the designated timeframe, please send via e-mail, being sure to include all involved parties, a notification to that effect.

Regards,

Linda L. Larsen, Designated Agent

Network Solutions, LLC

Telephone: 703.668.5615

Facsimile: 703.668.5959

Email: dmca@networksolutions.com



Suite 800 505 Montgomery Street San Francisco, CA 94111-6533

Duffy Carolan 415-276-6500 tel 415-276-6599 fax

duffycarolan@dwt.com

October 28, 2011

Via Federal Express

Network Solutions, Inc. 13861 Sunrise Valley Dr., Suite 300 Herndon VA, 20171

Re: Cease and Desist Demand Re Copyright Infringement by Cryptome.org.

To Whom It May Concern:

This firm represents Bay Area Newspaper Group ("BANG"), publishers of the Oakland Tribune, a daily newspaper of general circulation in California, and its Internet version InsideBayArea.com. We write because it has come to our attention that the website www.cryptome.org, for which you are a "service provider" as defined in 17 U.S.C. section 512(k)(1)(B), is infringing on the copyrights of BANG and InsideBayArea.com, entities owned by California Newspapers Partnership, LLC. Specifically, entire photographs and captions, which are the original content of BANG, have been copied verbatim and without permission on the "cryptome.org" website, which is hosted on one of your servers. See http://cryptome.org/info/ows-18/ows-18.htm and compare the photographs and captions in the attached file, which are posted at http://cryptome.org/info/ows-18/ows-18.htm and compare the photographs and captions in the attached file, which are posted at http://cryptome.org/info/ows-18/ows-18.htm and compare the photographs and captions in the attached file, which are posted at http://cryptome.org/info/ows-18/ows-18.htm and compare the photographs and captions in the attached file, which are posted at http://www.insidebayarea.com/bay-area-news/ci_19205555. Moreover, the name of a BANG photographer, Jane Tyska, is being used as though she were the original author/photographer for the content on the "cryptome" website. This false impression is actionable under many theories of tort law.

Please cease and desist from permitting your servers to be used by any hosting company or website owner to display copies of any portion of BANG or InsideBayArea.com's content, including each photograph where Jane Tyska's name is listed in the caption. Please immediately take down or disable that section of the "cryptome" website referenced above that contains the original content of BANG and InsideBayArea.com. If you do not immediately take down or disable this page/portion of the "cryptome" website, please be advised that BANG will do everything it can to enforce its rights in its original copyrighted content. Please also

DWT 18463652v1 0050033-000183

October 28, 2011 Page 2

acknowledge receipt of this email by responding and confirming that the immediate action requested is underway.

BANG, InsideBayArea.com, California Newspapers Partnership and I obviously have a good faith belief that use of the above-described copyrighted material is unauthorized and unlawful. I declare under the penalty of perjury that I am authorized to act on behalf of the owners of the copyrighted material.

Please contact me if you have any questions.

Very truly yours,

Davis Wright Tremaine LLP

DWH/Au 1 —

Duffy Carolan

cc: Oakland Tribune Editor Martin Reynolds
BANG Director of Photographer Nick Lammers