

## Interim Designation of Agent to Receive Notification of Claimed Infringement

Full Legal Name of Service Provider: MySA.com, LLC

Alternative Name(s) of Service Provider (including all names under which the service provider is doing business): MySA.com, MySanAntonio.com

Address of Service Provider: 420 Broadway San Antonio, TX 78205

Name of Agent Designated to Receive Notification of Claimed Infringement: Julie H. Weber

Full Address of Designated Agent to which Notification Should Be Sent (a P.O. Box or similar designation is not acceptable except where it is the only address that can be used in the geographic location):  
420 Broadway  
San Antonio, TX 78205

Telephone Number of Designated Agent: 210-250-2911

Facsimile Number of Designated Agent: 210-231-6473

Email Address of Designated Agent: jweber@mysanantonio.com

Signature of Officer or Representative of the Designating Service Provider: \_\_\_\_\_

\_\_\_\_\_  
Date: 12-6-07

Typed or Printed Name and Title: Julie H. Weber-General Manager

Note: This Interim Designation Must be Accompanied by a \$80 Filing Fee Made Payable to the Register of Copyrights.

SCANNED 01-09/2008



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## USER GENERATED CONTENT AND THE DIGITAL MILLENNIUM COPYRIGHT ACT ("DMCA")

The DMCA protects internet service providers ("ISPs") from liability for copyright infringement claims resulting from content posted to the ISP's site by users, provided certain criteria are met. Websites such as those hosted by our newspapers are considered ISPs. The following sets forth the steps an ISP must take to in order to avail itself of the "safe harbor" provisions.

1. The ISP must not have actual knowledge that the material posted is infringing and must not be aware of facts or circumstances that would make infringing activity apparent.
2. The ISP must not receive financial gain directly attributable to the infringing activity.
3. The ISP must designate an agent to receive notices of claimed infringements. The name, address, phone number and e-mail address of the designated agent should be posted on the website in a location accessible to the public. In addition, the agent's contact information should be filed with the U.S. Copyright Office. The filing requires a fee of \$80.00 payable to "Register of Copyrights" and must be made on the form attached hereto. The name of the website should be specified in the section for Alternative Names. The fee and form should be mailed to: Copyright GC/I&R, P.O. Box 70400, Washington, D.C. 20024.
4. The ISP must have a policy of terminating access to the site of repeat infringers and must post that policy on its website in the privacy policy or terms of services. As a practical matter therefore, the safe harbor provisions of the DMCA will be available only in respect of content posted to sections of the site that require registration and thus allow identification of posters and repeat infringers.
5. The ISP must act expeditiously to remove allegedly infringing material upon receipt of a notice of infringement by the designated agent. To be effective, the notice must comply with the following:
  - a. It must be in writing to the designated agent;
  - b. It must include the physical or electronic signature of a person authorized to act on behalf of the copyright owner, as well as contact information;
  - c. It must identify the work claimed to have been infringed;
  - d. It must identify the material that allegedly infringes the copyrighted matter in a manner sufficient to enable its easy location (such as a full URL description of the page on which the material is located);
  - e. It must include a statement that the complaining party has a good faith belief that use of the material is not authorized by the copyright holder; and

- f. It must contain a statement that the information in the notice is accurate and under penalty of perjury and that the complaining party is authorized to act on behalf of the copyright owner.
6. Upon removing the allegedly infringing material, the ISP should send notice to the user who originally posted the material informing him that the material has been removed because of a complaint of copyright infringement.
7. The DMCA authorizes a user whose material is taken down as a result of a notice to the designated agent to send a counter-notification to the designated agent stating that the material was removed improperly. The counter-notification, in order to be effective, must include the following:
  - a. A physical or electronic signature of the user;
  - b. Identification of the material that has been removed and the location at which the material appeared before it was removed;
  - c. A statement under penalty of perjury that the user has a good faith belief that the material was removed as a result of a mistake or misidentification; and
  - d. The user's name, address and telephone number and a statement that the user consents to jurisdiction in the federal district court for the judicial district in which that address is located or, if outside the United States, in any judicial district in which the ISP is located, and that the user will accept service of process.
8. If the ISP receives a proper counter-notification as described above, the ISP is obligated to provide the person who sent the original notice of infringement with a copy of the counter-notice and must inform that person that it will replace the removed material in ten (10) business days. In addition, the ISP must then replace the removed material not more than fourteen (14) business days after receiving the counter-notice. However, if within that fourteen (14) day period, the designated agent receives notice from the initial person that it has filed an action in a court to seek a restraining order against the user, then the ISP need not restore the material.
9. The protections of the DMCA also extend to protect ISPs from liability for "information location tools" such as links that send users to an online location containing infringing material.