

FAQ's: Safe Harbor, Policing Content & Handling Complaints

1. Do I have to police the content that users post on my blog, in comments, FanPosts, or otherwise?

No, you do not need to police the user content on your site. You do not need to proactively review the user comments and FanPosts to figure out which are legit and which are not. The Digital Millennium Copyright Act (DMCA) and the Communications Decency Act (CDA) provide a safe harbor for “passive host” websites, where users post materials without pre-posting moderation.

2. What if I see content that I know is taken from an unauthorized or shady source (such as pirated video content, photos with a professional photo credit)?

If you see content that is obviously not supposed to be on your site, you MUST take it down. Once you have actual knowledge of unauthorized content, it needs to come down (SBN is no longer a “passive host”). You do not need to research the origin of content, but if you know it shouldn't be there (or if anyone relatively knowledgeable about your team, sport, or industry would know), then it cannot remain on your blog.

3. What if I participate in the comments with users who are talking about the origin of user-uploaded content?

If it becomes obvious from the context that certain content is likely unauthorized or pirated (or the other users seem to think that it is), whether or not you are able to confirm its origin or propriety, you MUST take it down (again, SBN is no longer a “passive host”).

4. What if I/SBN receive(s) notice from a third party who claims that his/its rights are being infringed by content that appears on my blog (whether uploaded by me, another SBN blogger, or a user)?

Once a proper copyright notice is received (one that contains enough information to identify the content that is the subject of the complaint, and which comes from the person whose rights are claimed to be violated), there is an absolute duty to remove the content – no questions asked.

If the complaining party is claiming that his/its rights are being violated because the content of a user comment or FanPost is defamatory or otherwise hurtful to the person's/entity's reputation, we may have a duty to remove the content and need to review such a complaint on a case-by-case basis.

Any other notice that content on an SBN site violates a party's rights (trademark rights, privacy rights, rights of publicity, etc.) needs to be reviewed by our staff legal advisor.

5. *Does the person who posted the content get a chance to counter the complaint and show that use of the content was proper?*

After content has been removed in response to a copyright complaint letter/notice, we will provide notice to whoever posted the information and provide an opportunity for that blogger/contributor to demonstrate that the use of the content (or material in the post) was proper.

6. *Should I handle notices and complaints myself, as long as I follow these instructions/policies?*

No. You should definitely follow these policies and be aware of these policies and instructions, but any and all notices and complaints need to be passed along to our staff legal advisor to ensure proper handling, documentation, and follow-up.

7. *What if the same user/contributor repeatedly posts pirated or unauthorized content, or posts incendiary/negative comments that you suspect are untrue?*

If you are aware of a pattern of behavior, you may choose to ban the user/contributor from your site for violation of our Terms of Use, or you may choose to send a single warning cautioning the user/contributor that you are aware of his pattern of behavior and that it must stop or else he will be banned.