

DMCA POLICY

It is the policy of San Diego MLS, Inc. (San Diego MLS) to respond to notices of alleged copyright infringement, in compliance with the Digital Millennium Copyright Act and other applicable laws. This page describes how to serve a Notice of Infringing Material and what to do if any material you have placed on any San Diego MLS sites, including SDMLS.com and thesdmls.com becomes the subject of such a notice.

Before serving either a Notice of Infringing Material or a Counter-Notification, you may wish to contact a lawyer to better understand your rights and obligations under the DMCA and other laws. The following notice requirements are intended to comply with San Diego MLS's rights and obligations under the DMCA and do not constitute legal advice.

Our response to these notices may include removing or disabling access to material claimed to be the subject of infringing activity and/or terminating subscribers. If we remove or disable subscriber access in response to such a notice, we will make a good-faith attempt to contact the owner of the affected site, or the uploader of the affected material or post, so that they may make a counter notification. We may also document notices of alleged infringement on which we act. Your complaint will also be a matter of record. A copy of the legal notice may be sent to one or more third parties who may then make it available to the public.

Please be advised that you may be liable for damages if you materially misrepresent that information or other content is infringing your copyrights.

By using some of our services, you license other customers to copy works you have uploaded into specific sections of those services or sites. Please examine the End User License Agreement, any posted agreements and any terms of service in any situations where you and the alleged infringer are each a customer or subscriber to the same service, since you may have granted a license for some or all uses of your works at that San Diego MLS site.

If you are a copyright owner or an agent thereof and you believe that any content or link on one of San Diego MLS's sites infringes upon your copyrights, you may submit a notice pursuant to the Digital Millennium Copyright Act ("DMCA") by providing our Copyright Agent the following information in writing:

Your physical or electronic signature;

Identification of the copyrighted work or works claimed to have been infringed;

Identification of the material that is claimed to be infringing that copyrighted work, and URLs or similar information sufficient to permit us to locate that material on our websites and services;

Information to permit San Diego MLS's agent to contact you: your address, telephone number and email address;

A statement that you have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and

A statement that the information in the notification is accurate, and under penalty of perjury, that you are the owner, or are authorized to act on behalf of the owner of the copyright that is allegedly infringed.

Designated DMCA Agent

San Diego MLS's designated DMCA Copyright Agent to receive Notices of Infringing Material is:

Attn: Designated DMCA Agent
San Diego MLS, Inc.
dmca@sdmls.com
Phone: (858) 622-6200
Fax: (858) 622-6222

Only DMCA notices should go to our DMCA Copyright Agent. You acknowledge that if you fail to comply with all of the requirements listed, your DMCA notice may not be valid.

Account Termination

Some San Diego MLS services do not have account holders or subscribers. For services that do, San Diego MLS will, in appropriate circumstances, terminate repeat infringers. If you believe that an account holder or subscriber is a repeat infringer, please follow the instructions above to contact San Diego MLS's agent and provide information sufficient for us to verify that the account holder or subscriber has been determined to be in violation of the DMCA repeatedly.

Counter-Notification

In some instances, a customer of one of San Diego MLS's services who has uploaded or posted materials identified as described above may supply a counter-notification. The owner of an affected page or site on one of San Diego MLS's services, or the provider of affected content on one of our services may make a counter-notification pursuant to sections 512(g)(2) and (3) of the DCMA. When we receive a counter-notification, we may reinstate the posts or material in question.

To file a counter-notification with us, you must provide a written communication (by fax or regular mail or by email) that sets forth all of the items required by the DMCA. Please note that you may be liable for damages if you materially misrepresent that content or an activity is not infringing the copyrights of others. If you are not sure whether certain material infringes the copyrights of others, we suggest that you first contact an attorney.

(10/9/2018)