

Subject: Re: [#1123224100] Your Request to Google
Date: Tuesday, September 25, 2012 10:25 AM
From: The Blogger Team <removals@google.com>
To: Brett Trout <trout@bretttrout.com>

Hello,

Thank you for your reply.

We have received your DMCA complaint. At this time, Google has decided not to take action based on our policies concerning content removal. As always, we encourage you to resolve any disputes directly with the blogger in question.

Regards,

The Google Team

Original Message Follows:

From: Brett Trout <trout@bretttrout.com>
Subject: Re: [#1123224100] Your Request to Google
Date: Tue, 25 Sep 2012 10:05:25 -0500

> This electronic transmission contains information from the law offices of Brett J. Trout, P.C. This transmission is confidential and may be protected in whole or in part by attorney-client privilege, as well as other privileges and/or immunities. This transmission is intended solely for use by the above named recipient. If you are not the above named recipient, be aware that any disclosure, copying, distribution or use of any portion of this transmission is strictly prohibited. If you are not the above named recipient, you should immediately reply to this e-mail, stating you received this e-mail in error, and then delete the e-mail and any attachments from your system. If you are the above named recipient, unless you notify us otherwise in writing, your electronic reply to the above identified sender constitutes your acknowledgement that electronic transmissions are susceptible to interception and your agreement to send and receive confidential information via this medium.

>
> Google Team,

>
> As clearly stated in the letter dated September 11, 2012, the infringed photograph is owned by ARAG North America, Inc. and this firm represents ARAG North America, Inc.

>
> The copyright in this photograph has been formally assigned to, and is owned by, ARAG North America, Inc.

>
> Although not required under the DMCA, we are attaching herewith, a copy of the copyright assignment.

>
> The fact that you are aware that "Under U.S. law, copyright in a photograph is generally owned by the photographer" indicates you are on

Exhibit 3

notice that you are hosting infringing material on sexyexecs.blogspot.com website. We view your multiple and ongoing refusals to remove the infringing material as willful copyright infringement on the part of Google.

>
> To avoid further liability, please remove the infringing material immediately.

>
>
>
>
>
> /Brett J. Trout/
> The Law Offices of Brett J. Trout, P.C.
> 516 Walnut Street
> Des Moines, Iowa 50309
> Direct Dial: (515) 288-9263 Cell (515) 221-9370
> Fax (515) 280-7114
> website: BrettTrout.com
> blog: BlawgIT
> Author of CyberLaw

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>
> On Sep 24, 2012, at 6:51 PM, The Blogger Team wrote:

> > Hello,

> > Thanks for reaching out to us.

> > We have received your DMCA complaint. It is unclear to us whether or not

> > you are the authorized copyright agent for the content in question. Only

> > the copyright owner or an authorized representative can file a DMCA
> > Infringement Notice on his/her behalf. Please note that you will be liable

> > for damages (including costs and attorneys' fees) if you materially
> > misrepresent that a product or activity is infringing your copyrights.

> > Under U.S. law, copyright in a photograph is generally owned by the
> > photographer, unless the photographer took the photo as part of his
> > responsibilities as an employee (in which case the image belongs to the

> > employer), or the photographer entered into a written agreement to
> > transfer the rights to the photograph to someone else. Therefore, a person

> > who is the subject of a photograph is almost never the owner of the
> > copyright in the image (unless the person has obtained the rights to the
> > image in a written agreement).

> > If you still believe you are the copyright owner in this case, then please

Exhibit 3

> > reply to this e-mail with documentation that confirms you are the rights holder for this content. Otherwise we cannot process your complaint, and you should have the copyright owner file a DMCA notice with us.

> > Regards,
> > The Google Team

> > <20120921170835196.pdf>

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