

**Branch County Association of REALTORS® Policy for the  
Digital Millennium Copyright Act  
Adopted August 2019**

Branch County Association of REALTORS® and its Multiple Listing System shall have the Digital Millennium Copyright Act (DMCA) Notice as attached in "Exhibit A" linked to all its websites.

When the Branch County Association of REALTORS® Designated Copyright Agent receives an infringing claim they shall determine if the party filing the claim (complainant) is an MLS Participant or MLS User and, if they are, the claim shall go through the process in the MLS Rules and Regulations for handling such copyright infringing claims. ( Section 7)

If the complainant is not an MLS Participant or MLS User, the Branch County Association of REALTORS® Designated Copyright Agent shall follow the following process:

1. Upon receipt of a copyright infringing claim the Branch County Association of REALTORS® Designated Copyright Agent shall remove the alleged infringing material from the Branch County Association of REALTORS® Site(s).
2. The Branch County Association of REALTORS® Designated Copyright Agent shall forward the claim immediately to the party posting the alleged infringing material to the Association's or MLS's Site(s) using the letter attached as "Exhibit B". The party receiving the letter shall have 10 business days to file a Counter-Claim with the Branch County Association of REALTORS® Designated Copyright Agent.
3. If a Counter-Claim is filed, the Branch County Association of REALTORS® Designated Copyright Agent shall send a copy to the complainant immediately and they shall have 10 business days to file suit against the alleged infringer. If no suit is filed, the alleged infringing material shall be restored to the Site(s).
4. If a suit is filed against the alleged infringer, the alleged infringing material shall be restored to the Site(s) until the suit is decided Branch County Association of REALTORS® shall follow the Court's decision regarding the alleged infringing material.

## Exhibit A

### Digital Millennium Copyright Act (DMCA) Notice for Branch County Association of REALTORS®

Branch County Association of REALTORS® and its Multiple Listing System (MLS) own, operate, and/or maintain bcarealtors.com and other websites on which this notice appears or is linked bcarealtors.realtor??

Branch County Association of REALTORS® respects the intellectual property rights of others and expects you to do the same. Per the DMCA, Branch County Association of REALTORS® will respond expeditiously to claims of copyright infringement on the Site if submitted to Branch County Association of REALTORS®'s Copyright Agent as described below. Upon receipt of a notice alleging copyright infringement, Branch County Association of REALTORS® will take whatever action it deems appropriate within its sole discretion, including the removal of the allegedly infringing materials.

If you believe that your intellectual property rights have been violated by Branch County Association of REALTORS® or a third party who has provided the content to the Site, please provide all of the following information to Branch County Association of REALTORS®'s Designated Copyright Agent listed below:

- (1) A description of the copyrighted work or other intellectual property that you claim has been infringed;
- (2) A description of where the material that you claim is infringing is located on the Site;
- (3) An address, a telephone number, and an e-mail address where Branch County Association of REALTORS® can contact you;
- (4) A statement that you have a good-faith belief that the use is not authorized by the copyright owner, or other intellectual property rights owner, or by its agent, or by law;
- (5) A statement by you that under penalty of perjury the information in your notice is accurate and that you are the copyright owner or intellectual property owner or are authorized to act on the owner's behalf;
- (6) Your electronic or physical signature.

Branch County Association of REALTORS® may request additional information before removing any allegedly infringing material. In the event Branch County Association of REALTORS® removes the allegedly infringing materials, Branch County Association of REALTORS® will immediately notify the person responsible for posting such materials that Branch County Association of REALTORS® removed or disabled access to the materials. Branch County Association of REALTORS® may also provide the responsible person with your e-mail address so that the person can respond to your allegations.

Branch County Association of REALTORS® reserves the right to terminate, limit or suspend any user's access to the Site in event of repeated infringing activity. If you believe that a user of this Site is a repeat infringer, please follow the above instructions to contact Branch County Association of REALTORS®'s Copyright Agent. Please include sufficient information to assist Branch County Association of REALTORS® in determining that the user repeatedly engaged in infringing activity.

Branch County Association of REALTORS® registered a Designated Agent with the Copyright Office pursuant to Title 17, United States Code, Section 512(c)(2). Branch County Association of REALTORS®'s Designated Copyright Agent is:

Executive Officer  
28 W. Chicago Street  
Suite 1E  
Coldwater, MI 49036  
United States  
517-278-3192  
Branchrealtors@gmail.com

## Exhibit B

[date]

[name]

Dear [name],

The Branch County Association of REALTORS® Designated Copyright Agent has received the attached Digital Millennium Copyright Act (DMCA) Copyright Infringement Claim and has removed the alleged infringing material from all Branch County Association of REALTORS® Websites.

You have 10 business days to file a Counter-Claim with the Branch County Association of REALTORS® Designated Copyright Agent. Your Counter-Claim shall contain all the following:

1. Identification of the specific URL's of the material that Branch County Association of REALTORS® has removed or disabled access to.
2. Your full name, address, telephone number and email address.
3. Information regarding your copyright ownership or authorized use of the alleged infringing material.
4. The Statement: " I swear, under penalty of perjury, that I have a good faith belief that the alleged infringing material was removed or disabled access to as a result of mistaken information, misidentification of the material in question or deliberate misreading of the law."
5. The Consent Statement: " I hereby consent to the jurisdiction of Federal District Court for the judicial district in which I reside (or, if my address is outside the United States, the jurisdiction of the Federal Western District of Michigan). I agree to accept service of process from the complainant."
6. A scanned physical signature or a valid electronic signature at the end of your Counter-Claim.

Your Counter-Claim shall be emailed to the Branch County Association of REALTORS® Designated Copyright Agent as identified below.

Sincerely,

Executive Officer  
Branch County Association of REALTORS® Designated Copyright Agent  
28 W. Chicago Street  
Suite 1E  
Coldwater, MI 49036  
United States  
517-278-3192  
Branchrealtors@gmail.com