

March 1, 2007

DMCA Complaints
YouTube, Inc.
1000 Cherry Ave.
Second Floor
San Bruno, CA 94066
Email: copyright@youtube.com

RE: DMCA Counter-notification re:
http://www.youtube.com/watch?v=y9pCuRHmQvw*

To Whom It May Concern,

My name is Kyle Machulis and I am the person who posted video footage that was previously available on your website at <http://www.youtube.com/watch?v=y9pCuRHmQvw>. On January 29, 2007, Richard Silver notified YouTube, Inc., pursuant to 17 U.S.C. § 512 (“DMCA”), of his claims that I posted infringing content on your website.

On January 29, 2007, YouTube, Inc. sent an email notifying me that it had removed or disabled access to the material I had posted as a result of third party notification that the material was infringing.

I hereby counter-notice pursuant to 17 U.S.C. §512(g)(3) for the January 29 Silver DMCA notice. I have a good faith belief that the material was removed or disabled in error as a result of intentional misrepresentations by Silver both as to copyright ownership of the material and Silver’s authorization to send the Notice. I also have a good faith belief that use of the material was non-infringing. I declare that this is true and accurate under penalty of perjury under the laws of the United States of America.

For the purposes of this matter, I consent to jurisdiction of the Federal District Court for the judicial district in which I reside. I also consent to service of process by the person providing notification under Section 512(c)(1)(C) or that person’s agent. However, by this letter, I do not waive any other rights.

Having complied with the requirements of Section 512(g)(3), I hope that you will allow replacement of the removed material within ten business days of your receipt of this notice.

I appreciate your prompt attention to this matter. If you have any questions about this notice, please do not hesitate to contact my attorney, Jason Schultz. He can be reached at the Electronic Frontier Foundation, 415-436-9333 x112, jason@eff.org <<mailto:jason@eff.org>>.

Yours sincerely,

Kyle Machulis