

December 15, 2012

VIA FACSIMILE

**Re: DMCA Counter-Notice & Demand to Maintain All Websites  
in Response to DMCA Notice of Adam Flanders  
Ticket # 20198113  
Domain: massresistance.org**

This is a counter-notice, pursuant to the Digital Millennium Copyright Act, to an initial DMCA notice by Adam Flanders against my website, massresistance.org.

This latest DMCA notice is only the latest in a series of harassing legal actions by Mr. Flanders against me and my organization, MassResistance. Mr. Flanders is a convicted-sex-offender in his home state of Maine, where he has already filed two lawsuits against me and my organization. In one of the lawsuits, my attorneys successfully vacated an order Flanders secured against me *in absentia*. In the other lawsuit, my attorneys successfully secured a decision dismissing the case in my favor, which Mr. Flanders is now appealing.

**This DMCA notice is false and without merit. I respectfully demand that my web pages and websites remain intact, in total and without interruption.**

In particular, there is no copyright infringement here because there are no copyrights at issue, or even if there are copyrights at issue, there is no infringement because of fair use.

Mr. Flanders complains in his notice of items like background checks, court filings, mug shots, and public letters. These are typically not the subject of copyright, and even if they were, the use here would be fair. Copyright doesn't protect ideas or facts themselves, rather the expression of those facts, etc. Insofar as he complains about photos or documents from newspapers or sources other than himself, he has no standing to assert copyright for those items.

Moreover, the complainant has provided no copyright registration information or other tangible evidence that the material in question is in fact copyrighted, and I have a good faith belief that it is not. The allegation of copyright violation is therefore in dispute, and at present unsupported.

As noted above, even if the complainant has a valid copyright in any of the identified materials, my use of those materials is legally protected because it falls within the "fair use" provision of the copyright regulations, as defined in 17 USC 107. If the complainant disagrees that this is fair use, they are free to take up the matter with me directly, in the courts. You, the ISP, are under no obligation to settle this dispute, or to take any action to restrict my speech at the behest of this complainant. Furthermore, siding with the complainant in a manner that interferes with my lawful use of your facilities could constitute breach of contract on your part.

I have attached Mr. Flanders original complaint, which identifies the material he complains of and include below the further information required of a counter-notice by the DMCA. Please immediately contact me at [brian@massresistance.org](mailto:brian@massresistance.org) if you need any further information to process this counter-notice. You may also contact my attorneys at the Thomas More Society during business hours at 312-782-1680.

I declare, under penalty of perjury, that I have a good faith belief that the complaint of copyright violation is based on mistaken information, misidentification of the material in question, or deliberate misreading of the law.

My name, address, and telephone number are as follows:

Brian Camenker  
PO Box 1612, Waltham, MA 02454  
781-890-6001

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, any judicial district in which you, the ISP, may be found).

Having received this counter notification, you are now obligated under 17 USC 512(g)(2)(B) to advise the complainant of this notice, and to restore the material in dispute (or not take the material down in the first place), unless the complainant files suit against me within 10 days.

Very truly yours,

Brian Camenker  
Massresistance.org