



CRISP

Connecting Physicians With Technology
to Improve Patient Care in Maryland

Chesapeake Regional Information System for our Patients

Media Controls and Clearance Policy

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Background

CRISP takes seriously copyright and trademark claims related to the materials/activities disseminated to the media or the public via websites, social media, press releases, fax-blasts, emails, newsletters, marketing materials, and mailings. This document outlines CRISP's policies and procedures in adherence with the United States Digital Millennium Copyright Act (DMCA).

Media Clearance and Compliance Procedure

CRISP will follow the procedure below and will ensure the acquisition of all necessary intellectual property rights, if applicable, before any media is released to the public. CRISP will, to the best of its ability, screen all disseminated material for copyright infringement, trademark infringement, domain name infringement, libel, slander, privacy violation and violation of rights of publicity prior to the dissemination, publication, broadcast or distribution of media.

Intellectual Property Audit

CRISP will, on a periodic basis, perform an intellectual property audit with assistance from legal staff, business staff or outside counsel.

Copyright and Disseminated Material Training for Employees

On a yearly basis, CRISP will offer employee training on important copyright and trademark issues. This training includes a review of CRISP Media Controls and Clearance Policy.



Procedure to Handle Complaints Concerning Disseminated Material

It is CRISP policy to expeditiously respond to notices of alleged copyright infringement that comply with the DMCA. This procedure describes the information that should be present in these notices. It is designed to make submitting notices of alleged infringement to CRISP as straightforward as possible while reducing the number of notices received that are fraudulent or difficult to understand/verify. The form of notice specified below is consistent with the form suggested by the DMCA (the text of which can be found at the U.S. Copyright Office Web Site <http://www.copyright.gov>).

It is expected that all disseminated material from CRISP will comply with applicable copyright laws. If, however, CRISP receives proper notification of claimed copyright infringement, our response to such notices will include removing or disabling access to material claimed to be the subject of infringing activity and/or terminating subscribers, regardless of whether we may be liable for such infringement under United States law or the laws of another jurisdiction.

If we remove content in response to such a notice, we will investigate thoroughly and make a counter notification, if appropriate, pursuant to Sections 512(g)(2) and (3) of the DMCA. We may also document notices of alleged infringement on which we act.

Infringement Notification

Upon receipt of proper notification of claimed infringement, CRISP will follow the procedures outlined herein and in the DMCA.

To file a notice of infringement with CRISP, you must provide a written communication (by fax or regular mail) that sets forth the information specified in the list below. ***Subject to prior written agreement you may not communicate the information specified below by email.*** Please note that you will be liable for damages (including costs and legal counsel fees) if you materially misrepresent that CRISP material infringes your copyright(s). Accordingly, if you are unsure if you are the proper copyright holder or if copyright laws protect the material of yours, you may want to consult a lawyer.

To expedite our ability to process your request, please use the following format (including section numbers):

1. Identify with sufficient detail the copyrighted work that you believe has been infringed. (For example, "The copyrighted work at issue is the *"Name of the work"* by *"name of the author"* and abstract number;
2. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit CRISP to locate the material;
3. Information reasonably sufficient to permit CRISP to contact the complaining party, such as an address, telephone number, and, if available, an email address at which the complaining party may be contacted;



4. The following statement: "I 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";
5. The following statement: "I swear, under penalty of perjury, that the information in the notification is accurate, and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed"; and
6. Sign the document.
7. Send the written communication to:
CRISP – Maryland's Health Information Exchange
Attn: Privacy and Security Officer
7160 Columbia Gateway Drive Suite 230
Columbia, MD 21046

OR fax to:
443-817-9587
Attn: CRISP DMCA Complaints

Counter Notification

The provider of the allegedly infringing content can may make a counter notification pursuant to sections 512(g)(2) and (3) of the Digital Millennium Copyright Act.

To file a counter notification with us, you must provide a written communication (by fax or regular mail) that sets forth the information specified in the list below. ***Subject to prior written agreement you may not communicate the information specified below by email.*** Please note that you will be liable for damages (including costs and attorney's fees) if you materially misrepresent that material is infringing your copyright(s). Accordingly, if you are not sure if you are the proper copyright holder or if copyright laws protect the material of yours, you may want to consult a lawyer. Please note that you will be liable for damages (including costs and attorneys' fees) if you materially misrepresent that a product or activity is not infringing the copyrights of others. Accordingly, if you are not sure whether certain material infringes the copyrights of others, we suggest that you first contact legal counsel.

To expedite our ability to process your request, please use the following format (including section numbers):

1. Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled;
2. Your name, address, and telephone number;
3. The following statement: "I consent to the jurisdiction of Federal District Court for the [insert the federal judicial district in which your address is located]";
4. The following statement: "I will accept service of process from [insert the name of the person who submitted the infringement notification] or his/her agent";
5. The following statement: "I swear, under penalty of perjury, that I have a good faith belief that the affected material was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled"; and
6. Sign the document.



7. Send the written communication to:
CRISP – Maryland’s Health Information Exchange
Attn: Privacy and Security Officer
7160 Columbia Gateway Drive, Suite 230
Columbia, Maryland 21046

OR fax to:
443-817-9587 Attn: CRISP DMCA Complaints

Upon receipt of such counter notification, CRISP will provide the person who provided the original infringement notification with a copy of the counter notification, and inform that person that CRISP will replace the removed material or cease disabling access to it in 10 business days, unless our Designated Agent first receives notice from the person who submitted the original infringement notification that such person has filed an action seeking a court order to restrain the subscriber from engaging in infringing activity relating to the material on our system or network.

Repeat Infringers

In accordance with Section 512(i)(1)(a) of the DMCA, CRISP will, in appropriate circumstances, disable and/or terminate the accounts of users who are repeat infringers.

The DMCA allows us to restore the removed content if the party filing the original DMCA notice does not file a court action against CRISP within ten business days of receiving the copy of your Counter notice.

Please be aware that if you knowingly materially misrepresent that material or activity on the website was removed or disabled by mistake or misidentification, you may be liable for damages (including costs and attorney’s fees) under Section 512(f) of the DMCA.

It is our policy in appropriate circumstances to disable and/or terminate the accounts of users who are repeat infringers.