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To: All Authorizer Signatories to the 2009 Screen Actors Guild
2009 Commercials Contract

From: Douglas J. Wood and Stacy Marcus

Re: Update on Take Down Notices

Date: January 10, 2011

The attached letter addresses the JPC's previous dispute with the unions regarding the sending of take down notices in response to claims of unauthorized Internet use.

SAG and AFTRA have confirmed that:

- There is no requirement in the Commercials Contract for a signatory to issue a take down notice in response to a claim of unauthorized Internet use on, e.g., You Tube.
- However, if signatories elect to cooperate and send a take down notice, such cooperation will not be considered evidence of an accepted industry practice under the Commercials Contract.
- The sending of a take down notice in response to a claim of unauthorized Internet use will NOT be used precedent. Meaning, if a signatory sends a take down notice in response to one specific request from the unions, this does not mean that a signatory is then obligated to send a take down notice in response to any or all future requests.

Note that it is the copyright owner (in most cases, the advertiser) that has the authority to send a take down notice. In situations where the authorizer is not the copyright owner, e.g., an advertising agency, they may also choose to cooperate and forward the notice to the copyright owner. Doing so will not create any precedent with the unions.