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08-21-2006, 07:40 AM

1

michaelcrook

I run this site!

ADMINISTRATOR



Join Date: Aug 2006
Location: Neither here nor there
Posts: 26



Not stomping on freedom of speech

Over the past few days, myself and my associates at MCIP have been serving various web hosts and datacenters with DMCA (Digital Millenium Copyright Act) complaints against numerous websites which have allegedly violated my copyright laws.

I suppose I should clear some things up, since some people just don't get it.

While I won't name names, a certain vermin bird is trying to go melodramatic and cry for attention, claiming that I am trying to take away his freedom of speech. No, no, no. ☹

He's so uppity, he's accessed from work, crying and whining. He admits that this is costing "taxpayer money", and that's because he's apparently openly admitting to tending to his blog on company time...that company being a military installation. But that's his business if he wants to risk getting in trouble.

He won't let the argument drop that this is about his freedom of speech, and him not backing down from threats.

So, it would appear that this is all a pride thing. Look, DMCA's are nothing personal. It's just business. He seems to be taking it all a wee bit too personal. Breathe...in...out. There. He's spending more time whining about it, sending out pitiful e-mail messages to any fellow blogger that will listen, when he could just comply and move on. No freedom of speech threatened.

Anyway, back to the issue at hand

The complaints pertain to copyrighted materials, and if he'd bothered to read the letter, he would see I'm not asking for the removal of the material itself (with the exception of material which violated his host's Terms of Service and my rights), which like the other sites we've served discuss things that are better left in the past.

That's their freedom of speech, that's true. That's why we didn't ask most sites to removal material itself. He was the exception, because of threats, and inciting crimes. Amazingly, though, he removed those passages, while raising the battle call over....nothing.

Over the past few days, most webmasters have voluntarily taken the material offline. Kudos to them for stepping up to the plate.

One site has gone completely down. It currently routes to a "Suspended" page. This site has remained down because the webmaster hasn't responded to the complaint. I can't be responsible for that.

It should be noted that this site was the most blatant, and we successfully cited four major violations which comprise well over half of the site. The webmaster has chosen not to respond, and any further consequences, such as the site being disabled are at the discretion of the host.

I should note that this is *not* a revenge mission, nor am I seeking any of these websites' demise. Live and let live, I say, but I do have my rights as well. That said, I understand how freedom of speech works..it "cuts both ways", as a local journalist said.

I agree. People are entitled to their opinions even if it's not what I want to hear. That's life. But there *are* limits.

As can be expected, though, the above mentioned blogger (who has been the most vocal and whiny) thought he was doing damage by linking fellow bloggers to what he thinks is my address and phone number.

In actuality, it's merely the mailbox where I collect mail for the websites, and a throwaway cell phone number.

Make no mistake, it's perfectly valid contact information, and I'll go ahead and spoil his fun and point out that yes, it is a perfectly valid cell phone number. I may not answer it if I don't recognize the number, but valid it is.

Not only that, but Sparky doesn't understand that the above named establishment is nowhere near my home. Not even by a long shot, actually. It's really quite funny-- I chuckle at the thought of him thinking he has me shivering in fear. I'm shivering all right...just from insane laughter.

Also, he doesn't understand that posting anyone's contact information without their consent, regardless of who they are, is a violation of his service provider's Terms of Service. The fact that he has chosen to post copies of letters that were carbon-copied to him as a *****esy (I thought it was a kind act to give him a heads up as opposed to just hearing it out of the blue from them), and claim that they're his property and he can therefore post the address is ill-informed.

Suppose he sends me an e-mail message (and he has). Say I decide to post his home IP address because it's in the header, and it's in the letter sent to me because hey..it's my property. That's a violation, too. And certainly in poor taste.

Simply put, he's crying that his freedom of speech that he's so bloody married to is at risk, and that isn't so. Society has laws. Society has rules. He has been told he cannot post the contact information and continues to do so. That's not what freedom of speech was intended for.

I can post my contact information on my site. He can't post mine on his, just as I can't post his on mine without consent. That should go without saying.

Of course, then, one raises the question: "Why don't you post your real information?" Well, it is my real information.

Mail can be delivered to me there, both registered and standard, as well as UPS and FedEx shipments. The phone number is real in that it's valid, rings to my phone, and both of things things satisfy ICANN's regulations for WHOIS information.

I'd say these things qualify as "real". Besides, thousands of people rent PO boxes rather than post their actual home addresses in the WHOIS database. That's not being cowardly...these days, that's being smart, even if you're an average Internet user.

Anyway, the bottom line is this: I am **not** trying to limit peoples' freedom of speech. The DMCA letters say nothing about the words themselves...they pertained to copyrighted material, nothing less, nothing more.

Some bloggers (actually so far just one) apparently lack the reading comprehension skills to understand that.

I've moved on from the past, and have bettered myself...I'm sorry to say that at least one blogger hasn't.

"It might sound har\$h, but it IS all about the money!"



08-21-2006, 02:52 PM

2

Unregistered

Posts: n/a



I harldy think you have grown up, or moved on...

Keep trying though...

08-21-2006, 04:41 PM

3

Psychop Guy

My computer can beat up your computer!

MEMBERS



Join Date: Jul 2006

Posts: 9



oh oh oh, can i post the contact information...i swear its mine what ip address can i post that....wait never mind Mike can read that stuff to. The fun thing about being a mod

08-21-2006, 04:56 PM

4

canuckistani

???

Posts: n/a

Why didn't you just e-mail the (BLOGGER DELETED) and ask him to remove your contact info instead of inflaming the situation with legal jargon, threatening action, etc.? Why didn't you keep it private instead of public? It's as if you wanted to start something to humiliate him. I think that is where the problem lies and it makes you look like a petty jerk.

08-21-2006, 05:02 PM

5

michaelcrook

I run this site!

ADMINISTRATOR



Join Date: Aug 2006
Location: Neither here nor there
Posts: 26



OFFLINE

Fair question

Quote:

Originally Posted by **canuckistani**
Why didn't you just e-mail the (BLOGGER DELETED) and ask him to remove your contact info instead of inflaming the situation with legal jargon, threatening action, etc.? Why didn't you keep it private instead of public? It's as if you wanted to start something to humiliate him. I think that is where the problem lies and it makes you look like a petty jerk.

Well, that is a fair question.

The way I read it is that he, and the other bloggers are all grown adults. They know what they put. They know that it's there, even a year after the fact.

I wasn't the one that took it public. He did.

I mentioned nary a word on my site until he chose to whine and cry about it on his blog, sounding the rally cry over freedom of speech and what not.

Sorry, but in this situation, he's the one who's trying to make it a battle. He was carbon-copied a copy of the DMCA complaint as a *****esy. He chose to take it further, and those actions are his own.

08-21-2006, 05:50 PM

6

michaelcrook

I run this site!

ADMINISTRATOR



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E

Just as a follow-up, numerous websites were contacted...not just this particular blogger.

Contrary to popular belief, I **did not** go after the ones that were just talking...that's free speech.

Thus far, two websites have been shut down, only because the webmasters have yet to follow up on the complaint. The status-quo is 24 hours' notice. I can't help that. That was not my intent at all. However, webmasters/bloggers must take ownership of and responsibility for their sites.

The first site was suspended on Saturday, and the second one was apparently suspended today, within the past fifteen minutes, because I

got an e-mail from the provider confirming that "the appropriate action" has been taken. It wasn't my intent for it to come to service suspension, but the webmaster actually had three days to follow up and did not.

Understand something.

This was *never* about starting a fight, or whatever. I'm sorry that a couple bloggers, including this one, apparently are choosing to attempt to turn this into something that it needn't be.

suppose the phrase "get a life" applies here.

Just for the record, out of the 9 sites contacted so far

Voluntarily Removed Material: 2
Site Suspended/Disabled: 2
Material Removed Involuntarily: 2
Response Pending: 3



08-21-2006, 06:06 PM

7

canuckistani

Posts: n/a

???

You still could've kept it private via e-mail. You didn't have to go public just because he did. Saying he took it public not you, is falling back on a simple argument of he did it, not me. It seems you are attempting to up the ante here instead of just seeing the whole thing for what it is, a ridiculous farce. Had you blown it off, the whole thing would've just gone away. Now a good blog is potentially going to be thrown out with the bathwater over a stupid incident.

I don't understand why you want to impose your idea of right/wrong in such a freewheeling medium as the blogosphere. What you are attempting can lead to the censorship and perhaps the regulation of blogs. You are giving the authorities the excuse they want to regulate blogs, yours included. Then where will we go when the mainstream media screws up??

Look down the road, what you see as dealing with the current situation can have ramifications for all of us in the end.

08-21-2006, 06:09 PM

8

Unregistered

Posts: n/a

???

And just what was your intent then?

You know a site shutdown is a possibility.

If you don't want the site shut down, then why not say so? Or deal with it privately without getting the webmaster involved?

08-21-2006, 06:14 PM

9

michaelcrook

I run this site!

ADMINISTRATOR



Join Date: Aug 2006

Location: Neither here nor there

Posts: 26



OFFLINE

Interesting points

Quote:

Originally Posted by **canuckistani**
yours included. Then where will we go when the mainstream media screws up??

Look down the road, what you see as dealing with the current situation can have ramifications for all of us in the end.

I think you're being a tad bit melodramatic. It doesn't really affect me personally, because I no longer blog. Even so, there are rules, laws, and Terms of Service. This particular webmaster chose to yell and scream rather than just comply. And as for regulation, and censorship, I fully support that idea whether it's my blog, yours, or anyone else's.

Quote:

Originally Posted by **Unregistered**
And just what was your intent then?

You know a site shutdown is a possibility.

If you don't want the site shut down, then why not say so? Or deal with it privately without getting the webmaster involved?

True, but a site shutdown is only a possibility if the webmaster ignores the e-mail from the service provider, which has apparently happened twice. That falls under being responsible for your site.

Look, the bottom line is that we're all grown adults...they know what they did, and they did nothing to fix the situation.

08-21-2006, 07:00 PM

10

canuckistani

Posts: n/a



So I get the impression your attitude is, if it doesn't affect me, I don't really care what happens to the blogosphere?

You realize that if the blogosphere is regulated then that just opens the door for all of the internet to be regulated and costs applied? It will no longer be a free form of communication, even if you don't have a blog. You're e-mails will cost and perhaps be perused for material that is a threat to the state.


I don't think I'm being melodramatic. Just following the history of what has happened in the past with the captialization of other forms of communication.



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You **may** post replies
You **may not** post attachments
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