



LegendsofAmerica.com Back Online after Yahoo Shuts Down Business

Legends of America.com, December 13, 2005

URL: <http://www.pr9.net/business/ecommerce/3258december.html>

Move by Yahoo shows potential flaws in their enforcement of the Digital Millennium Copyright Act

PR9.NET December 13, 2005 - Kathy Weiser has always loved history, especially that of the American West. So it wasn't a surprise to friends and family when she started her own website in 2003.

LegendsofAmerica.com quickly consumed Weiser, and in 2004 she quit her paying job as a Business Consultant to dedicate herself fulltime to building the site into a viable historical, educational and travel resource. By November, 2005, LegendsofAmerica.com gained a following of over 13,000 unique visitors a day, including numerous educational sources; as well as being recognized by such prestigious entities as the Scout Report, Worldstart, Earthlink, and was even named Yahoo's Pick of the Day.

So, it was a shock to her when Yahoo shut down the entire site -- over 3,000 pages, after an unsubstantiated allegation of copyright infringement was made in regards to a few photographs. Making their case, backed by the rules of the DMCA (Digital Millennium Copyright Act), Yahoo notified Weiser on December 5th of the allegation, asking her to not only to remove the pictures in question, but an entire subdirectory of photographs having nothing to do with the complaint; the removal of which would have severely impacted a large portion of the web site and her business. The notification went on to explain how Weiser could reply to the allegation if she felt it was by mistake or misidentification within 48 hours, which she immediately did.

Weiser says, "The photographs in question are from the National Library of Congress and other historical archives, all of which are now in the public domain due to their age."

The accusing site, WithoutSanctuary.org features some of the same pictures in a book about Lynching in America. Weiser says none of her photos came from their website or book, but that she did go ahead and remove eight pictures that she could not clearly identify the source. "After replying within 24 hours, then not hearing anything back from Yahoo, I honestly thought that would be the end of it, and even if it wasn't that they would simply block the disputed material, which was stated as a possible action in their notification." Instead, Weiser says Yahoo disabled her entire site on December 7th, crippling her business.

"I'm a firm believer in copyright protection, and the DMCA regulations do provide some protection of those rights, but to go through an accusation with no due process and literally shut the door on my livelihood takes the act's intent too far."

Weiser goes on to say, that even though she agreed to remove the disputed material, Yahoo's lack of response to repeated voicemails and emails to their legal department prevented her from getting any resolution through them. "I couldn't get an answer from anyone. The only 'live' people I could talk to were in customer service, and all they could do is refer me to their legal department voice-mail, which to date, has returned no calls."

Weiser continued by saying that the idea that someone could make an accusation based on the DMCA and shut down a business, without due process, frightens her. "I make every attempt to ensure I'm not infringing on someone else's rights, and since this was the first complaint made to Yahoo about my site, I really expected them to support their customer by investigating before taking such a severe action and potentially ruining my business."

According to the DMCA provisions, Weiser could still take legal action against the accuser if the material was found to be misidentified. Weiser successfully moved to a new hosting service over the weekend and www.LegendsofAmerica.com was back up on December 12th.

For additional information, visit the website at <http://legendsofamerica.com>, e-mail at info@legendsofamerica.com, call 913-708-5119, or snail mail at 7457 Quivira Rd, #166, Shawnee, KS 66216

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About Legendsof America.com

Legends of America is a travel site for the nostalgic and historic minded.

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