

Copyright Small Claims Comments

Eman Hegazy, a creator at IMVU.com

I would like to summarize my experience with the DMCA law. I am a creator at IMVU.COM. It happened two months ago that another IMVU user stole one of my meshes through a hacked version of IMVU client. He submitted my mesh as two products with his own textures. When I submitted a DMCA against his products, in retaliation he submitted a DMCA against four of my products based on my own mesh which he stole. In his filing, he did not give the correct address, even he claimed to be an agent of a multi-billions company to claim that my items are based on a copyrighted item with a trademark. The funniest thing is that the IMVU accepted the DMCA notice with clear signs of being a fraud (incomplete address, no verification of being an agent of the company, the way it is written that four of my items are infringing on another item in my catalog, even the same guy in a previous DMCA gave them a different address, and finally he is using yahoo account). If the DMCA law does give the DMCA agent the right to accept such fraudulent notices without using their suspicion to ask for more verification, then there is a big problem here. I think having an automated system would act more efficient than a human being.

Again, do you see the point. A person, who is living outside the USA at an obscure location, claims to be the agent of a multi-billion company and he files DMCA's to take down items in the IMVU catalog without justification. This can cause loss to people living in USA and to a company in USA; (in my case I lost at least 150 dollars and IMVU lost about the same). I am sorry I cannot imagine that the USA law encourages such a carelessness.

Another point, the profit of my items in the IMVU catalog does not exceed at most a thousand dollars per item. Should I file a lawsuit in the federal court in case of any copyright infringement on any of my items which would cost me thousands of dollars without a guarantee I will get any compensation from the person who committed the infringement. Even this person may live in Africa or I may never get his address. In my case, why the law does not allow or does not require that the IMVU make its judgement regarding a dispute between two of the creators on IMVU. This would save money and time and even will deter some creators who steal the products through a hacked IMVU client.