



Chilling Effects

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## Trademark DMCA Complaint to Google

February 13, 2011

### Sender Information:

Dervaes Institute  
Sent by:  
[Private]

Pasadena, CA, 91103, USA

### Recipient Information:

Google, Inc. [Websearch]

Mountain View, CA, 94043, USA

Sent via: online form: Form

### Re: Infringement Notification via Websearch Complaint

#### 1. Complainant's Information

Name:

Company name: Dervaes Institute

Full legal name of the [copyright](#) holder: Dervaes Institute A Corporation Sole

Country of residence: US

#### 2. Your copyrighted work

Location of copyrighted work (where your authorized work is located):

[www.pathtofreedom.com](http://www.pathtofreedom.com)

Description of the copyrighted work:

<http://urbanhomesteading.com/trademark.html>

DERVAES INSTITUTE

[redacted], Presiding Officer

[redacted]

Pasadena, CA 91103

(626) [redacted]

[redacted]@dervaesinstitute.org

### FAQ: Questions

- [Why does a search engine get DMCA takedown notices for materials in its search listings?](#)
- [What about common words that are used for many purposes?](#)
- [What are some of the trademark issues that frequently arise online?](#)

### Other Recent C&Ds

- [Photo DMCA \(Copyright\) Complaint to Google](#), Allbritton Communications Corp., doing business as TBD.com, March 1, 2011
- [Photo DMCA \(Copyright\) Complaint to Google](#), André Rau, February 7, 2011
- [Web Sheriff DMCA \(Copyright\) Complaint to Twitter](#), Beggars Group & XL Recordings, February 18, 2011
- [Web Sheriff DMCA \(Copyright\) Complaint to Twitter](#), Magnolia Pictures, February 22, 2011
- [DMCA \(Copyright\) Complaint to Google](#), Digiturk, March 2, 2011 [more](#)

### Related News

- [Repeat Senders](#), Wendy Seltzer, *Chilling Effects Clearinghouse*, December 15, 2010
- [Better to Switch Than Fight?](#), David Abrams, *Chilling Effects Clearinghouse*, September 3, 2010
- [The IFPI's Takedown Campaign: By the Numbers](#), Blake Ellis Reid,

To Whom It May Concern:

This notice is to inform you of important matters regarding the published works and/or brand [names](#) of Jules Dervaes and Dervaes Institute. We are extremely supportive of members of our online communities; fans of our websites, writings and photographs; and others who help to spread information regarding sustainable living. However, we must also guard against the unauthorized use or exploitation of our intellectual property for commercial gain. From the beginning, our work published online and in other media has been copyrighted and trademarked. We have now secured registered [trademarks](#) for certain unique names and images. By protecting our intellectual property we are better able to ensure that our work is presented accurately and contributes to our sustainable living projects and educational initiatives.

As you may know, the Dervaes family has been practicing sustainable living in Pasadena, Calif., since 1985. Our work has been documented and shared online at [www.urbanhomestead.org](http://www.urbanhomestead.org) and other websites since 2001, receiving national and international media attention. Additionally, we produced an award-winning short documentary film about our project, called Homegrown Revolution, which has been featured at film festivals around the world and on Oprah's 2009 Earth Day television special. Over the last 25 years, our family has created a wealth of intellectual property in the field of sustainable living. Through the Dervaes Institute, we have been committed to freely educating others about the practices and benefits of self-sufficiency.

We realize that your use of Dervaes published words and/or trademarks may have been inadvertent. We are generally able to resolve any such uses without involving our legal counsel. This would require that you update your websites and articles to properly cite our works. For example, the writings of Jules Dervaes about sustainable living are original protected works in which Dervaes owns exclusive rights. Content from the Dervaes websites, including text and photographs, are also protected works.

When using Dervaes materials, the proper way to go about it is as follows:

Only use a small sample of our work in any single instance; Copy the portion used in its entirety - do not paraphrase or extract portions of images or paragraphs;

Make it clear – by using quotation marks or different font size or color – that the Dervaes materials referenced are from another source;

Include a prominent link or reference to the original source of the content used on a Dervaes website.

In addition, Dervaes Institute owns numerous trademarks which should be properly acknowledged if used. These protected names and images include the following registered trademarks:

URBAN HOMESTEAD®  
 URBAN HOMESTEADING®  
 PATH TO FREEDOM®  
 GROW THE FUTURE®  
 HOMEGROWN REVOLUTION®

*Chilling Effects Clearinghouse*, May 16, 2010

- [Fight the \[Automated\] Powers That Be](#), David Abrams, *Chilling Effects Clearinghouse*, April 27, 2010
- [We Don't Need No Stinkin' Court Order. We've Got the DMCA.](#), David Abrams, *Chilling Effects Clearinghouse*, March 11, 2010

[more](#)

## Other Topics

- [ACPA](#)
- [Anticircumvention \(DMCA\)](#)
- [Chilling Effects](#)
- [Copyright](#)
- [Copyright and Fair Use](#)
- [Court Orders](#)
- [Defamation](#)
- [Derivative Works](#)
- [DMCA Safe Harbor](#)
- [DMCA Subpoenas](#)
- [Documenting Your Domain Defense](#)
- [Domain Names and Trademarks](#)
- [E-Commerce Patents](#)
- [Fan Fiction](#)
- [International](#)
- [John Doe Anonymity](#)
- [Linking](#)
- [Patent](#)
- [Piracy or Copyright Infringement](#)
- [Protest, Parody and Criticism Sites](#)
- [Responses](#)
- [Reverse Engineering](#)
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This Topic: [DMCA Notices](#)

[Topic Frequently Asked Questions \(and Answers\)](#)

**EXHIBIT D**

FREEDOM GARDENS®  
LITTLE HOMESTEAD IN THE CITY® (pending)

Also, THE TEN ELEMENTS OF URBAN HOMSTEADING copyright has been filed with the Library of Congress.

If your use of one of these phrases is not to specifically identify products or services from the Dervaes Institute, then it would be proper to use generic terms to replace the registered trademark you are using. For example, when discussing general homesteading or other people's projects, they should be referred to using terms such as 'modern homesteading,' 'urban sustainability projects,' or similar descriptions.

When using a phrase listed above to refer to the work of the Dervaes Institute, proper trademark usage should include the proper trademark notice [®], use the protected phrase in all capital letters, and note in close proximity that the term is a protected trademark of Dervaes Institute.

Thank you in advance for respecting our legally protected intellectual property rights. If you have been supportive of our ten-year online work in the past, we appreciate very much your continued support.

If you have any questions regarding the use of Dervaes materials or trademarks, please contact us at (626)[redacted]. We would be glad to provide you with more details.

Regards,

[redacted]  
Dervaes Institute

3. Allegedly Infringing Material:  
URL of the allegedly infringing material in our search results:

[http://www.amazon.com/s/ref=nb\\_sb\\_noss?url=search-alias%3Dstripbooks&field-keywords=kelly+Coyne&x=7&y=18](http://www.amazon.com/s/ref=nb_sb_noss?url=search-alias%3Dstripbooks&field-keywords=kelly+Coyne&x=7&y=18)

Sworn Statements

I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law. [checked]

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. [checked]

Signed on this date of:  
February 13, 2011

Signature  
[Private]