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August 14, 2013

**Via Email to: [info@archive.org](mailto:info@archive.org) and  
Via U.S. Mail, Certified, Return Receipt  
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RE: *DMCA Notice of Copyright Infringement*

To Whom it May Concern:

We act as intellectual property counsel to the State of Idaho, its agency the Idaho Code Commission and the Secretary of State, a constitutional executive officer of the State of Idaho (collectively, “**Idaho**”) and write to you relative to acts of copyright infringement on a website that is either on your servers, in your network, or within your control. This letter is directed to you as the ostensible Digital Millennium Copyright Act (“**DMCA**”) Designated Agent for sites located under the domain name archive.org, based on filings here: <http://www.copyright.gov/onlinesp/agents/i/internetarchive.pdf> and information here: <http://archive.org/about/terms.php>. This is, accordingly, a Take-Down Notice issued pursuant to 17 U.S.C. Section 512(c)(3), which is part of the DMCA.

By way of background, Idaho owns the copyright in and to certain statutory compilations and the associated and accompanying analyses, summaries and reference materials (collectively, the “**Idaho Code**”). We discovered that unauthorized PDFs containing scans of the Idaho Code appear, *inter alia*, in files produced in response to the following search request: <http://archive.org/search.php?query=creator%3A%22State%20of%20Idaho%22%20AND%20%28collection%3A%20govlaw%29>. See Exhibit One. Examples of content available via the first link in those search results are attached as Exhibits Two and Three. We assume these materials were uploaded by Public.Resource.org, with whom we are currently in a copyright dispute.

Exhibit Four contains content available through this link:

<http://archive.org/details/govlawidsupp201207to13>, which link is also found in the search results. You will note that certain specific sections in Exhibit Four are enclosed within red boxes; the rest are not. The content in Exhibit Four not within red boxes constitutes the analyses, summaries and reference materials mentioned above. To be clear, Idaho claims copyright in both the native statutory content and the analyses, summaries and reference materials contained in the linked directories (defined above as the Idaho Code) and as to which Exhibit Four acts as an exemplar, and both are subject to this Notice.

Accordingly, pursuant to the DMCA, we hereby provide archive.org as the DMCA Service Provider and you as the DMCA Designated Agent with the following notification:

- (1) Certain infringing content residing on your servers or within your network has infringed and continues to infringe copyrighted works, specifically, the above-defined Idaho Code, to which Idaho owns the exclusive right to reproduce, adapt, display and distribute;
- (2) Exact scans of the Idaho Code are currently reproduced, adapted, displayed and distributed through the archive.org site as set forth above, all of which are literal or substantially similar copies of works to which Idaho owns exclusive rights to reproduce, adapt, display and distribute;
- (3) We believe in good faith that: (a) the material described in subparagraph (2) above infringes the copyrights in the materials described in subparagraph (1) above, and that (b) neither your nor Public.Resource.Org's reproduction, adaptation, display and distribution of the materials described in subparagraph (1) above is authorized by Idaho, its agents or the law;
- (4) The undersigned states that the information in this notification is accurate, and under penalty of perjury, that the undersigned is authorized to act on behalf of Idaho, who owns the exclusive rights to reproduce, adapt, display and distribute the infringed material described in subparagraph (2) above; and
- (5) You may contact me at the address stated above.

Pursuant to the DMCA, your expeditious removal of or prevention of access to the Idaho Code, as defined, may result in limiting your liability for your possible direct involvement in and/or contribution to the above-described acts of copyright infringement. We look forward to your compliance herewith by expeditiously suspending or disabling access to the Idaho Code, as required by the DMCA. Please provide your response to me (if anything other than the required "expeditious" removal action) within five (5) business days of the date of this letter.

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Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

/S/ BRADLEE R FRAZER ELECTRONIC SIGNATURE  
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Bradlee R. Frazer

BRF/bf  
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Enclosures

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Description: General Laws, Title 55. Property In General, Title 56. Public Assistance And Welfare, Title 57. Public Funds In General

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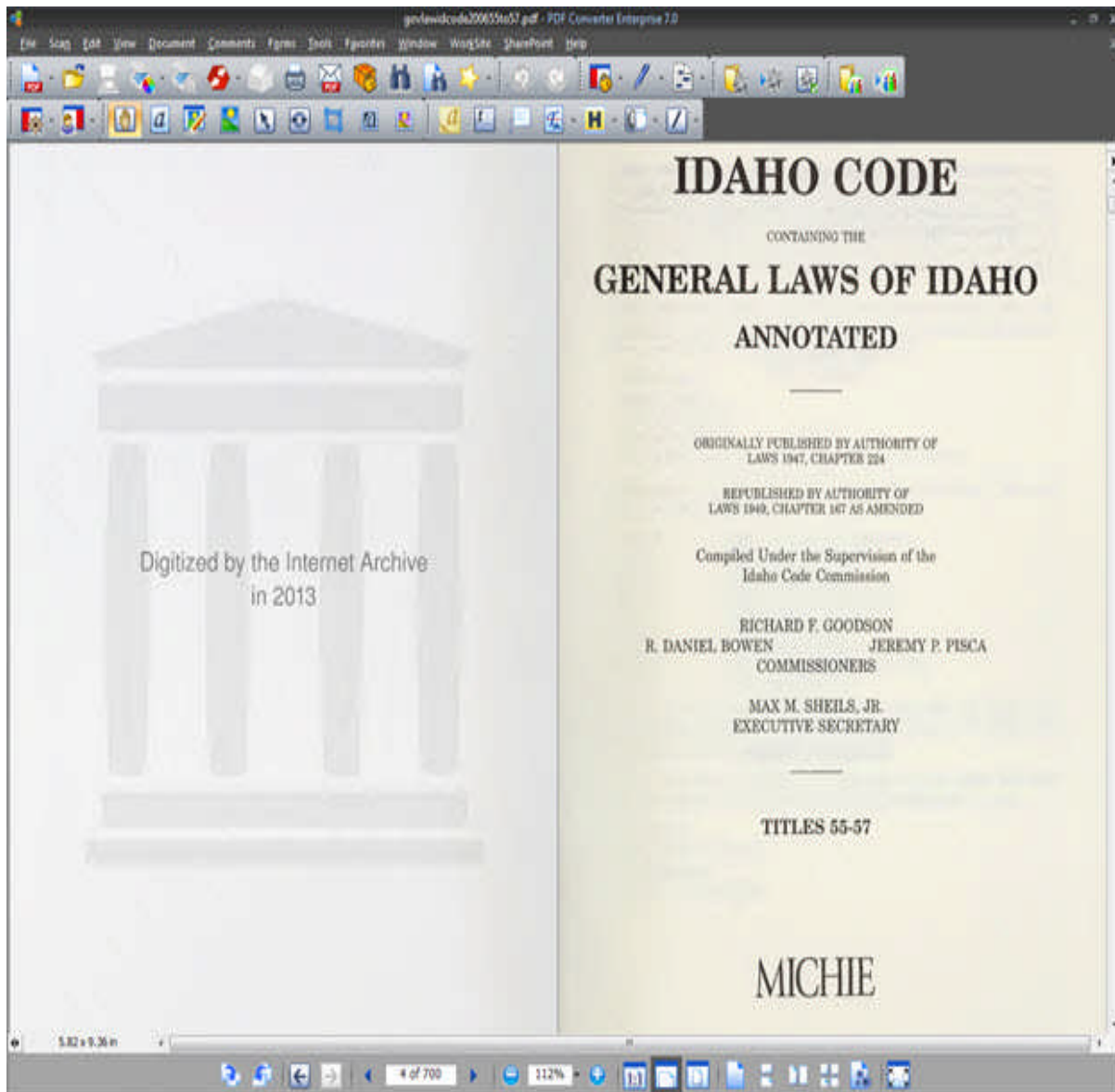
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**EXHIBIT THREE**





**EXHIBIT FOUR**

**TITLE 7**

**SPECIAL PROCEEDINGS**

CHAPTER.  
6. CONTEMPTS, § 7-602.

**CHAPTER 4**

**WRITS OF PROHIBITION**

**7-402. When and how issued.**

**JUDICIAL DECISIONS**

**Adequacy of Other Remedy.**  
Idaho department of land's motion to dismiss the attorney general's writ of prohibition was granted, as there was a plain, speedy, and adequate remedy in the ordinary course of law, such that an extraordinary writ of prohibition would be improper. Injunctive relief would be at least as effective as issuance of the writ, if not more so. *State v. Idaho State Bd. of Land Comm'rs (In re Verified Petition)*, 150 Idaho 547, 249 P.3d 346 (2010).

**CHAPTER 6**

**CONTEMPTS**

SECTION.  
7-602. Reentry of dispossessed person on real property — Procedure upon conviction.

**7-602. Reentry of dispossessed person on real property — Procedure upon conviction.** — Every person dispossessed or ejected from or out of any real property by the judgment or process of any court of competent jurisdiction, and who, not having right so to do, reenters into or upon, or takes possession of, any such real property, or induces or procures any person not having right so to do, or aids or abets him therein, is guilty of a contempt of the court by which such judgment was rendered, or from which such process issued. Upon a conviction for such contempt the court shall immediately issue an alias process directed to the proper officer, and requiring him to restore the party entitled to the possession of such property under the original judgment or process, to such possession.

**History.** C.C.P. 1881, § 831; R.S., R.C., & C.L., § 5156; C.S., § 7384; I.C.A., § 13-602; am. 2012, ch. 20, § 2, p. 66.

**STATUTORY NOTES**

**Amendments.** The 2012 amendment, by ch. 20, substituted "the court shall immediately" for "or justice of the peace must immediately" near the beginning of the last sentence.

1

**TITLE 8  
PROVISIONAL REMEDIES IN  
CIVIL ACTIONS**

CHAPTER.

5. ATTACHMENTS AND GARNISHMENTS, § 8-507C.

CHAPTER.

7. DEPOSIT IN COURT, § 8-705.

**CHAPTER 1  
ARREST AND BAIL**

**8-106. Time of making and contents of order.**

**JUDICIAL DECISIONS**

**Authority of Sheriff.**

County commissioners' supervisory authority to control other constitutional officers did not extend to the sheriff's bail procedures. The commissioners' statutory duties under §§ 20-622 and 31-1503 do not encompass con-

trol of bail, which is a matter within the sheriff's authority under this section and §§ 19-817 and 31-2202(6). *Allied Bail Bonds, Inc. v. County of Kootenai*, 151 Idaho 405, 258 P.3d 340 (2011).

**CHAPTER 5  
ATTACHMENTS AND GARNISHMENTS**

SECTION.

8-507C. Forms.

**8-507C. Forms.** — The notice of exemptions, instructions to debtors and third parties, and the claim of exemption shall be in a form substantially similar to the form hereinafter provided. The forms shall be made available in English and Spanish language translations in the offices of each county sheriff. Notice, written in Spanish, of the availability of these documents in Spanish translation shall be set forth on the notice of exemptions.

**IMPORTANT LEGAL NOTICE/NOTICIA LEGAL IMPORTANTE**

**MONEY/PERSONAL PROPERTY BELONGING TO YOU MAY HAVE BEEN TAKEN OR HELD IN ORDER TO SATISFY A COURT JUDGMENT. YOU MAY BE ABLE TO GET YOUR MONEY/PROPERTY BACK SO READ THIS NOTICE CAREFULLY.**

**SI SOLAMENTE HABLA ESPANOL PUEDE OBTENER UNA FORMA EN ESPANOL EN EL DEPARTAMENTO DEL SHERIFE.**

The enclosed writ of execution and/or notice of garnishment has directed the sheriff to take custody by levying on your money and/or personal property in order to satisfy a court judgment.

The sheriff has levied on your money and/or personal property. You have