

From: "Amazon.com" <abuse@amazonaws.com>
Subject: Your AWS DMCA Report V77346823
Date: December 5, 2018 9:06:00 AM EST
To: Dr.Duane.Thresher@alum.MIT.edu
Reply-To: abuse+A1AQ3R4RVMGC16@amazonaws.com

[URGENT: RESPONSE REQUIRED WITHIN 24 HOURS or your resources may be suspended]

Hello,

We've received a notice(s) that your AWS resource(s)

[[Redacted]]

has been posting, distributing, or hosting unlicensed copyright protected content. This is forbidden by our terms. A copy of the notice identifying the allegedly infringing content is below.

Please acknowledge receipt of this report and/or remove the allegedly infringing content within 24 hours. If you do not remove the content, we may take steps to disable access to the content, up to and including suspension of your account.

If you believe the content referenced in the notice is not infringing, you may provide a counter-notice to our Agent for Notice of Claims of Copyright Infringement via email at ec2-abuse@amazon.com, abuse@amazonaws.com or to the physical address below. The counter-notice must include the following information:

1. Identify the material that was removed or disabled, and the location where it appeared before it was removed or disabled;
2. A statement by you declaring under penalty of perjury that you have a good faith belief that the material at issue was either misidentified or mistakenly removed;
3. Your name, address and telephone number;
4. A statement that you consent to the jurisdiction of the federal district court for the judicial district in which your address is located, and that you will accept service of process from the person who provided the notice set forth above (if you are located outside of the United States, you must state that you consent to the jurisdiction of any United States federal district court in which Amazon has a presence); and
5. Your physical or electronic signature.

Please remember that false statements in your written counter-notice may lead to civil or criminal penalties.

Our Agent for Notice of Claims of Copyright Infringement can be reached as follows:

Copyright Agent
Amazon.com Legal Department
P.O. Box 81226
Seattle, WA 98108
phone: (206) 266-4064

fax: (206) 266-7010

Courier address:
Copyright Agent
Amazon.com Legal Department
410 Terry Avenue North
Seattle, WA 98109-5210
USA

Our agent will forward the information you provide to the person who filed the notice.

Thank you for your prompt action.

Abuse Case Number: V77346823

---Beginning of forwarded report---

* Log Extract:

<<<

admissions-mit.org

mit-admissions.net

alum-mit.org



* Comments:

<<<

Hello and thank you. Please see information below:

* A description of the copyrighted work that you claim has been infringed upon;

The websites and their URLs:

admissions-mit.org

mit-admissions.net

alum-mit.org

are infiging on MIT's trademarks both in their URLs and on the websites' use of MIT's official seal and images of the campus.

* A description of where the material that you claim is infringing is located on the Site;

Front page and URLs of the site.

* Your address, telephone number, and e-mail address;

Peter Bebergal
Technology Licensing Office
C/O The Massachusetts Institute of Technology
255 Main Street

Cambridge, MA 02142
617-253-6966
bebergal@mit.edu

* A statement by you that you have a good-faith belief that the disputed use is not authorized by the copyright owner, its agent, or the law;

I am providing this notice in good faith and with the reasonable belief that rights MIT's rights are being infringed.

* A statement by you, made under penalty of perjury, that the above information in your notice is accurate and that you are the copyright owner or authorized to act on the copyright owner's behalf.

Under penalty of perjury I certify that the information contained in the notification is both true and accurate, and I have the authority to act on behalf of the owner of the copyright(s) and trademarks involved.

Please note that this procedure is exclusively for notifying AWS that your copyrighted material has been infringed.

You need not provide a physical signature if you provide your notice in the body of an e-mail and send it to



Regards,
The AWS Abuse Team

From: "Duane Thresher, Ph.D." <Dr.Duane.Thresher@alum.MIT.edu>
Subject: Re: Your AWS DMCA Report V77346823
Date: December 5, 2018 4:56:47 PM EST
To: ec2-abuse@amazon.com, abuse@amazonaws.com, abuse+A1AQ3R4RVMGC16@amazonaws.com, bebergal@mit.edu
Cc: mitogc@mit.edu, mdiv@mit.edu, jbaletsa@mit.edu, jaren@mit.edu, stu.schmill@alum.mit.edu, admissions@mit.edu, "MIT President" <president@mit.edu>, "MIT President Rafael Reif" <reif@mit.edu>, rbm@mit.edu, ..., martin.baron@washpost.com, cameron.barr@washpost.com, wsjcontact@wsj.com

Amazon Web Services (AWS) and Massachusetts Institute of Technology (MIT):

Per your ill-fitting form letter (see email history) for a non-infringing counter-notice:

1. Identify the material that was removed or disabled, and the location where it appeared before it was removed or disabled;

No material has been or will be removed or disabled. If AWS does so, they, and MIT, will be successfully sued on several charges; see #2 below (out of sequence).

3. Your name, address and telephone number;

Dr. Duane Thresher

[[Redacted]]

4. A statement that you consent to the jurisdiction of the federal district court for the judicial district in which your address is located, and that you will accept service of process from the person who provided the notice set forth above (if you are located outside of the United States, you must state that you consent to the jurisdiction of any United States federal district court in which Amazon has a presence); and

I so consent.

5. Your physical or electronic signature.

Email signature below constitutes my electronic signature.

2. A statement by you declaring under penalty of perjury that you have a good faith belief that the material at issue was either misidentified or mistakenly removed;

MIT claims, through non-lawyer ex-Harvard/Brandais divinity student Peter Bebergal, that I am "infiging" on their trademark.

Carefully read the webpage at alum-mit.org, admissions-mit.org, mit-admissions.net, or the attached printout of it (alum-mit.org.pdf). It is clearly labelled as a spoof and nowhere do I try to make money from it. In fact, through its lax cybersecurity MIT is damaging my trademark, which depends on MIT's reputation as the world leader in IT, which includes cybersecurity.

The webpage is about two things, neither of them commercial:

1. A warning about MIT's lax cybersecurity, in order to protect my trademark.
2. A political statement about how MIT has been taken over by non-MIT-alum with their own political agenda.

Re: 1.

There is significant precedent for making cybersecurity vulnerabilities public. First, a warning describing the vulnerability and how it can be remedied is given privately, with time to perform the remedy. Such a warning was given by me to MIT; see attached MIT-Admissions-hacking-warning_email.pdf.

MIT did not respond at all within the ample time allotted. I therefore made the cybersecurity vulnerability public -- warning MIT I had done so (see attached New-improved-secure-MIT-Admissions-webpage_email.pdf) -- using, as a demonstration, the domain names I said were part of the problem and that MIT is now claiming is trademark infringement. By me, a real MIT alum who cares about MIT's reputation, legally purchasing and using the domain names, they were kept out of the hands of hackers with bad intent.

As I explained in the hacking warning email, universities already have protection of their trademark in domain names -- they are the only ones who can get .edu names. I explained how MIT Admissions could easily get a .edu name in the hacking warning email but they refuse, for foolish sentimental reasons; see either the webpage or the hacking warning email. Moreover, as I advised them, MIT Admissions should really be a mit.edu subdomain -- admissions.mit.edu - like the rest of MIT.

As I have demonstrated, .org (and .net) domain names are available to anyone. I purchased all of the domain names in question from Amazon Web Services. Now AWS says they are trademark infringement? If these domain names are really restricted, it is not legal for AWS to sell them to me at all. If AWS takes these domain names away from me now, that will be one count I will sue them for. Additionally, MIT will have to sue AWS, not me, on this count.

Particularly for alum-mit.org, I, a real MIT alum, have more claim to that than almost anyone at MIT complaining about my legal purchase and use of it.

MIT was warned about the domain names, particularly mit-admissions.net, using a simple copy of the official mitadmissions.org webpage; see hacking warning email and the also-attached mit-admissions.net.pdf. MIT did not respond to this warning and silence implies consent. What reason MIT would have to complain now, after that original webpage was replaced by the current one being complained about, brings us to:

Re: 2.

The webpage is also ex facie a political statement. MIT is only filing this complaint -- so is doing so in bad faith -- because it objects to this political statement about them.

MIT has for a long time been one of the top U.S. defense contractors. AWS is also now a top U.S. defense contractor, having accepted hundreds of millions of dollars for the migration of U.S. Government computer systems, including defense and intelligence systems, to its hardware, the same hardware my webserver that displays the webpage is running on.

Both MIT and AWS are thus agents of the U.S. Government so subject to the First Amendment. Removing my political statement is a clear violation of my First Amendment rights and I will vigorously sue both AWS and MIT if they remove my webpage.

As for the use of the MIT seal, clearly it is not used alone pretending to prove the webpage is officially MIT but is incorporated into images used for critical commentary, as provided for in the "fair use" clause of U.S. copyright law. Further, as a real MIT alum I have some rights to the use of this seal, which I purchased at great cost.

As for use of the image of the MIT campus, the photo is a private one, not one of MIT's. It was taken from a public sidewalk along the Charles River. MIT thus has no copyright on it.

The preceding completely refutes MIT's claims and indicates that they did not make the complaint in good faith, opening them to a lawsuit.

If the webpage is removed, both MIT and AWS will be vigorously sued, as described.

If MIT, or AWS, wishes to sue me, I welcome it. I will be representing myself in court so any attempt to win by bankrupting me will be much less successful. I will also be making this very public -- an MIT alum trying to help MIT being sued by non-MIT-alums using MIT for their own political purposes. Finally, I will be subpoenaing all relevant records regarding this matter, including anything mentioned on the webpage, from MIT, and AWS.

Sincerely,

Dr. Duane Thresher

- * CEO, Apscitu Inc., IT consulting for VIPs, <https://Apscitu.com/>
- * CEO, Thresher Networks LLC
- * Network engineer, Arctic Region Supercomputing Center (ARSC, a DOD facility)
- * PhD, supercomputing, Columbia University & NASA
- * MS, supercomputing, University of Arizona & NCAR
- * BS, Electrical Engineering & Computer Science, MIT

From: "Amazon.com" <abuse@amazonaws.com>
Subject: Your AWS Abuse Report V77346823
Date: December 6, 2018 5:55:37 PM EST
To: dr.duane.thresher@alum.mit.edu
Reply-To: abuse+A2CIQQN7UG193B@amazonaws.com

Hello,

Thank you for submitting your counter notice. We have forwarded your counter notice to the reporter. At this time, your content will not be removed and no further action is required from you. We will let you know if any further follow up is necessary.

If you have any further need please do not hesitate to reply directly to this email.

Regards,
AWS Abuse

Regards,
The AWS Abuse Team

From: "Duane Thresher, Ph.D." <dr.duane.thresher@alum.mit.edu>
Subject: I win
Date: December 7, 2018 12:12:04 PM EST
To: bebergal@mit.edu, mitogc@mit.edu, mdiv@mit.edu, jbaletsa@mit.edu, jaren@mit.edu, stu.schmill@alum.mit.edu, admissions@mit.edu, "MIT President" <president@mit.edu>, "MIT President Rafael Reif" <reif@mit.edu>, rbm@mit.edu, ...
Cc: martin.baron@washpost.com, cameron.barr@washpost.com, wsjcontact@wsj.com, ...

From: "Amazon.com" <abuse@amazonaws.com>
Subject: Your AWS Abuse Report V77346823
Date: December 6, 2018 5:55:37 PM EST
To: dr.duane.thresher@alum.mit.edu
Reply-To: abuse+A2CIQQN7UG193B@amazonaws.com

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AWS Abuse

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The AWS Abuse Team