

NON-CONSENSUAL SHARING OF INTIMATE IMAGES GUIDE

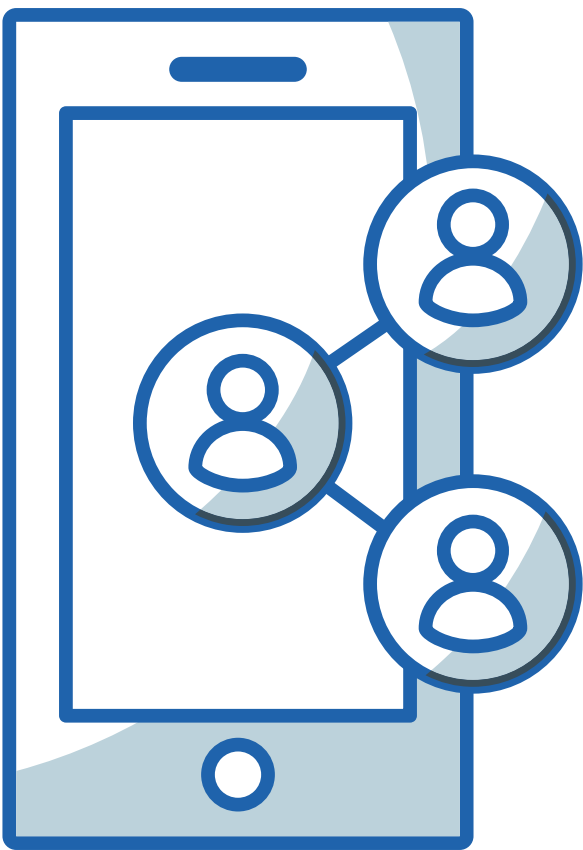


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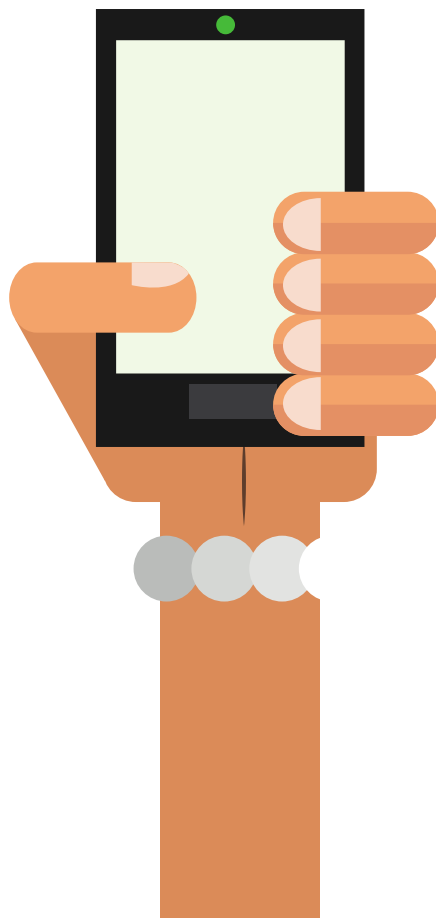


The Cyber Abuse Project was supported by Grant No. 2016-TA-AX-K070 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this program are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

What is Non-Consensual Sharing of Intimate Images?

Non-Consensual Sharing of Intimate Images is when someone shares nude or semi-nude pictures or videos of a person online or through text messaging without their permission. The images are often obtained from two different scenarios: pictures and videos are shared consensually by the person who appears in the image, or the images are taken nonconsensually by other means (e.g., a cell phone, computer hacking, friend of a friend, etc.). These images are often used to blackmail, harass, or even ruin an individual's reputation.

If someone shares nude or semi-nude content of you without your consent, you can take action. Here are some legal and non-legal options available to you:



Non-Consensual Sharing of Intimate Images

This Happened, Now What?

Legal Options: (Note: laws vary by jurisdiction)¹

1. **Criminal Charges**-- You can report the abuse to the police and they can work with you to file a criminal charge against the person who shared your photos.
2. **Civil Remedies**-- If going to the police isn't for you, you can also apply for a civil remedy and request that the offender take responsibility for sharing your private images. Under civil remedies, there are a few options:
 - a. **Suit for Damages**-- you can request "damages" or a remedy for the harm you felt as a result of the sharing of your images.
 - i. **Copyright Action**:² If you are the person who took the original photo (i.e. it was a selfie) then you own the copyright to the photo, even if someone else shares it. Under copyright actions, you can request that the image be removed from any websites, hold the offender legally accountable for sharing your image, and maybe even get money to help pay for any harm you have felt due to the sharing of your images.
 - ii. **Privacy Torts Claim**: You can also seek remedy if you believe the posting of your image has invaded your personal privacy or portrays you in a false light. Click here to learn more about privacy torts.³
 - b. **Apply for a Protection Order**:⁴ A protection order can help protect you from the abusive person in your life. A protection order is a legal order signed by a judge that requires your abuser to do certain things, like stay away from you.
3. **Takedown Procedures**⁵ Contact the platform where your image is posted and ask that the platform remove the image from their site, also called a DMCA Takedown notice. In addition, you could ask the platform to suspend the abuser's account because the image was illegally posted.
4. **Administrative Remedies**-- **Your school and/or employer have policies and procedures in place to protect you from cyber abuse.**
 - a. **Title IX**⁶-- Title IX is a federal law that allows students to hold their schools legally accountable if a student experiences cyber harassment or other sex-based discrimination and the school fails to respond appropriately.

¹ <https://www.cybercivilrights.org/venge-porn-laws/>

² <http://www.withoutmyconsent.org/resources/copyright-registration#what-are-benefits-registering-copyright>

³ <https://torts.uslegal.com/intentional-torts/invasion-of-privacy/>

⁴ <https://www.breakthecycle.org/sites/default/files/Protection%20Orders%20101.pdf>

⁵ <http://www.withoutmyconsent.org/resources/take-down>

⁶ <https://www.knowyourix.org/>

Non-Consensual Sharing of Intimate Images

This Happened, Now What?

Non-Legal Options:

Going the legal route is not for everyone. It can be time-consuming and without guarantees. But you can regain your power and recover from the trauma of technology-facilitated cyber abuse. If you do not wish to take legal action, here is a list of other non-legal options that are available:

Seek Healing

Non-consensual sharing of intimate images can have a traumatic effect on victims of this crime. Survivors frequently describe the same powerlessness, shame, humiliation, paranoia, and anger experienced by survivors of physical assaults, and typically do not make a distinction between the pictures and their physical person – violation is violation. There are many options available to survivors with no timetable for recovery. Healing looks different for everyone, and everyone moves at their own pace – don't feel rushed to do anything that doesn't work for you and your process. Below are some options:

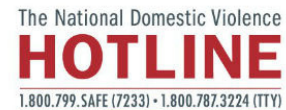
Hotlines: survivors can receive free, confidential crisis support over the phone. Contact the resources below to find a local program that fits your needs.



844-878-2274.



1-800-656-4673



1-800-656-4673

Group Counseling: survivors can meet with a licensed mental health professional in a group setting and work with others who have experienced similar traumas. If you are a student check with your campus for support group resources, or online resources such as a therapy finder can assist in locating confidential counselors near you.

Individual Counseling: survivors can meet individually with trained professionals to help recover from various forms of abuse. If you are a student check with your campus for support group resources or online resources such as a therapy finder can assist in locating confidential counselors near you.

Safety Planning- A safety plan is a personalized set of actions, strategies, and resources that address physical & emotional safety from ongoing abuse or threats of abuse. This can include staying safe from cyber abuse. Check out our Cyber Safety Plan Guide at breakthecycle.org to create your own.

Non-Legal Options Continued:

Confronting Those Who Do Harm- sometimes survivors are in, and have to remain in close proximity to those that do harm (e.g., classmates, co-workers, or family members, etc.). With the support of advocates and careful facilitation, survivors of NCS can find a face-to-face process beneficial. All parties involved must volunteer to participate freely, and it is imperative that you feel safe and free from imminent and/or future harm. Below are the most common practices:

Restorative justice- with trauma-informed skilled facilitators, survivors are able to voice the impact of the harm done, ask questions, and seek acknowledgment of responsibility from the perpetrator in a conference-like setting. In some instances, this approach can be used to make amends to the victim, family, and community. As an additional step, harm-doers can create an action plan to prevent the reoccurrence of harm. In the case of cyber abuse, this could include attending prevention education classes or counseling.

Mediation- in cases where you just want pictures removed, this process can be used to convince the perpetrator to do so. Like restorative justice approaches, participation in mediation must be voluntary and safe for survivors.

YOU DO NOT HAVE TO GO THROUGH THIS PROCESS ALONE

Whatever you choose know that you are a survivor, that this is not your fault, and that you can recover from the abuse with help. If you are a student, here are some people that can assist you:

Middle & High Schools

- School Resource Officer
- Counselor/Social Worker
- School Administrators
- Local Domestic Violence/Sexual Assault Program
- Attorney/Lawyer
- School Nurse

College Campuses

- Campus Law Enforcement
- Campus Women's Resource Center
- Local Domestic Violence/Sexual Assault Program
- Attorney/Lawyer
- Title IX Coordinator

While law enforcement and legal professionals want to support you, you can help these professionals by knowing how to collect and preserve evidence relevant to your case. Visit Without My Consent's "**Something Can Be Done! Guide**" to learn more about evidence preservation.

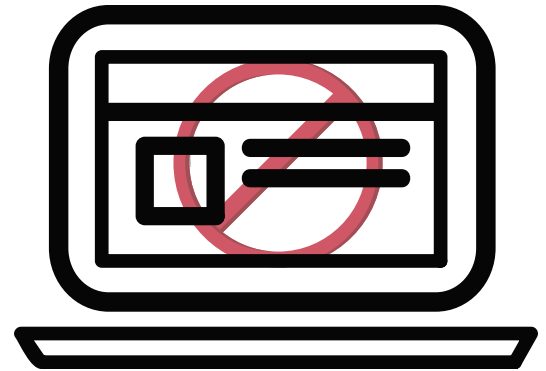
DMCA Takedown Notices

What is a DMCA takedown notice?

DMCA stands for the Digital Millennium Copyright Act, a federal law that protects copyright owners (authors, artists, musicians, and regular people) from copyright infringement. When you take a photograph or video of yourself (or of anything), YOU automatically own the copyright to that content and have the right under federal law to have the content removed from a website where it appears without your consent.

This includes your intimate images or content shared without your consent.

A Takedown Notice is a letter sent to a company, web host, search engine, or internet service provider notifying them that they are violating your copyright. The Notice requests that they remove the content from their website because you own the copyright, and it was uploaded without your consent.



Does my photo/video have to be registered with the U.S. Copyright Office before I can send a DMCA Takedown Notice?

No, you don't have to register a copyright before sending a notice to a company to remove the content. Registering is helpful if you get into a legal battle over the content later. However, most companies will take the content down immediately once they receive notice to prevent being sued for damages. Learn how to register a copyright here: <https://www.copyright.gov/help/faq/faq-register.html>

Is there a form I can use for this?

Some companies, web hosts, and search engines offer DMCA forms you can use on their websites. There is also a sample letter at the end of this guide.

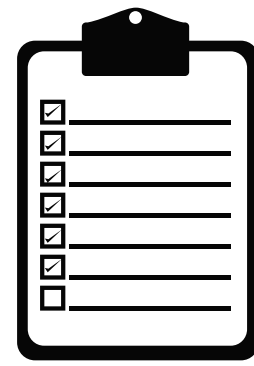
Where do I send the Takedown Notice?

Many companies have a web page, sometimes referred to as the "abuse department," with the contact information for their "DMCA Agent." Send your notice to the specified person in the format requested by the website, whether it be e-mail, fax, or mail.

How long will it take them to take down the content?

It can take anywhere from one to ten days on average to remove the content.

What steps should I take in order to file a DMCA Takedown Notice?



Step 1:

If you can do so safely, try to contact the person who posted the content and ask them to remove it. They may not have known the content was originally yours or posted illegally. It could also help lead you to the user who first posted the content illegally.

Step 2:

Locate the URL of the content you want removed **and** the URL of where you originally posted the content. For example, if someone shared your Instagram photo, you'll need the URL for your original Instagram post and the URL where the content was shared without consent. Include this information in your notice.

Step 3:

Use the sample letter in this guide or one from the company's website to draft your notice. You must include:

- both URL links
- statement of good faith
- perjury declaration statement
- confirmation of correct information
- your contact information & signature

Important note:

If you are under 18, copyright law states you have the right to make claims. However, it's recommended to seek help from a caring adult, campus resource officer, or legal aid to walk you through these steps or make your claim stronger.

Step 5:

Check the company's website to find the name of the "DMCA Agent" who accepts Takedown Notices, sometimes listed within the "abuse department." Address your notice to this person.

Step 6:

If possible, send the notice via the company's website using their DMCA Form. Otherwise, send the notice in the format requested by the company's website and save a copy for yourself. This may be via fax, registered mail, electronic mail, or regular mail.

Step 7:

Follow up if you do not hear back within 10 days.



SAMPLE DMCA TAKEDOWN NOTICE:

Dear Sir/Madam [*include name of company's DMCA agent if known*]:

Please consider this formal service of a DMCA Takedown Notice on your company as a service provider. I have a good faith belief that the content listed below has been published on your website without my authorization or consent and that I am the copyright owner of this material.

As required under 17 U.S.C. 512 (c)(3), I hereby submit:

My Original Content: [*Here you would post the URL link to the original content. Include any other important information here that would be important to identifying the material, such as a title.*]

Infringing Page: [*Here you would include the URL link to the reposted or infringing page on the company's website.*]

I declare, under the penalty of perjury, that the information in this Notice is correct, that I am the copyright owner of the content in question, and that I have the exclusive right to act on this infringement. Please remove the content listed above and tell me when you have done so.

My Contact Information is:
(Your First and Last Name)
(Street Address)
(City, State, Zip Code)
(Phone)
(Email)

Signed,
(your signature)