

FSAC ADVOCACY CORNER



Obituary Scraping - Consumer Alert

February 2025

Key Takeaways:

- Contact the funeral home to make them aware of the situation. There could be a violation of Funeral Home's website's Terms of Service / Copyright.
- **Contact the website or platform** directly using their copyright infringement process.
- Provide a **Notice of Infringement** (similar to a DMCA takedown notice).
- If no action is taken, **contact the hosting ISP** or platform owner.
- For further guidance or if the matter escalates, you can consult a lawyer or the **Canadian Copyright Office**.

Disclaimer: We do not guarantee results, and the first line of defense should be to contact the funeral home you selected for services to make them aware of the situation.

Canadian Copyright Office

While the **Canadian Copyright Office** does not directly handle takedown requests or copyright infringement disputes, it is the official body that governs the **Copyright Act**. You can refer to their resources for more information on your rights or seek clarification on the process. They do not take direct action against copyright infringement but can provide guidance.

Canadian Copyright Office Contact Information:

Canadian Copyright Office

Phone: 1-866-997-1936

Provide a Takedown Notice

When contacting the website or platform hosting the infringing obituary, you should provide a **Notice of Infringement**. This is the Canadian equivalent of the **DMCA Takedown Notice** in the U.S., required for initiating the takedown process.

A Notice of Infringement under the **Canadian Copyright Act** should include the following:

- A description of the copyrighted work (the obituary).
- The exact URL(s) of the infringing content.
- Your contact information (name, address, email, phone).
- A statement confirming that you believe the content is being used without authorization, and that you are acting in good faith.
- A declaration that the information you have provided is accurate.

4. Internet Service Providers (ISPs)

If you can't reach the website directly or if they don't act, you can also contact the **ISP** that hosts the website or content. If the website is violating copyright law, the ISP may be required to act under Canada's **Notice-and-Takedown** system.

Steps to contact an ISP:

- Identify the hosting provider through a **WHOIS search** for the domain name or using online tools.
- Send the same takedown notice you would send to the website, but this time to the hosting provider or ISP.

5. Formal Legal Action (if needed)

If the website or platform does not comply with your request or if the issue persists, you might need to consult a lawyer specializing in copyright law. Legal action could include:

- **Cease and desist letters.**
- **Filing a lawsuit for copyright infringement.**