



Failing to make this evaluation—similar to a submitting party’s duty to consider fair use prior to takedown—could lead to liability under Section 512(f) of the DMCA for parties who knowingly and materially misrepresent that third-party content is infringing in a takedown request. A knowing representation can be inferred from business practices that constitute “head in the sand” willful blindness—a meaningful risk for companies who handle their DMCA takedowns in-house and without input from legal counsel. Under the wrong circumstances, erroneous DMCA takedowns can lead to liability for tortious interference as well.

## **Authors**



## **Winfield B. Martin**

Partner

[WMartin@perkinscoie.com](mailto:WMartin@perkinscoie.com) [206.359.3788](tel:206.359.3788)



## **Katie Christensen**

Associate

[KChristensen@perkinscoie.com](mailto:KChristensen@perkinscoie.com) [206.359.6655](tel:206.359.6655)



## **Alexandra Pierce**

Associate

[AlexPierce@perkinscoie.com](mailto:AlexPierce@perkinscoie.com) [202.661.5814](tel:202.661.5814)

**Explore more in**

[Artificial Intelligence & Machine Learning](#)

Blog series

## Age of Disruption

We live in a disruptive age, with ever-accelerating advances in technology largely fueling the disruption permeating almost every aspect of our lives.

We created the *Age of Disruption* blog with the goal of exploring the emerging technologies reshaping society and the business and legal considerations that they raise. [Subscribe ?](#)

[View the blog](#)