



WHAT TO DO WHEN
**SOMEONE
STEALS**
YOUR MEMBERSHIP
CONTENT

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Mike Morrison:

Welcome to episode 198 of the Membership Guys podcast. I'm your host, Mike Morrison. Thank you for joining me for this week's episode. Today, we're talking about something unpleasant that unfortunately many membership site owners or indeed many people doing business online in general, will need to deal with at some point or another. And that is how to handle a situation when somebody steals your membership content. Essentially, there's two types of content theft that you may need to deal with as a membership owner. The first is just outright theft of your content, where someone downloads your videos, the tools and resources that you normally only make available for members. And then they go off and they distribute them somewhere without your consent. So they'll make them available on file sharing networks and all that stuff. They're very deliberately giving away your content. They're doing so knowingly, they're doing so illegally.

Now, this is the type of content theft that I believe most membership owners tend to be the most worried about. And one of the most frustrating things about this type of theft and this type of unauthorized distribution of your content is that you're pretty limited in what you can do about it. If your stolen content appears on a blog or on a forum, usually the type of sites that list this content illegally get away with it because they rely on you not finding out. And so they're very quick, usually they're very quick to take the content down if somebody complains to them. Because they don't want you reporting them to their web host and getting their entire website taken down. Because of that, most of these types of sites usually have a page, or a form for requesting what is called a DMCA Takedown.

DMCA is the Digital Millennium Copyright Act. This is a process by which you can have illegally distributed content, or your copyright material removed from the Internet. And so usually, these types of sites, they know exactly what they are doing, and as we said, they rely on flying under the radar to get away with it. And ironically because they do that, they actually make it quite easy, and they're usually quite responsive to a DMCA takedown because they're desperate to avoid any more serious action being taken. So when you actually fill in the form to take down the content, or you connect their email address, typically in 99% of cases, they'll pull that content down without question. If they don't, then the next step is to report their website to their hosting company. You can use a site called HostingChecker.com. This is actually a really good site for getting information on where a website is hosted, what hosting company they use.

Then, if you Google report DMCA, or DMCA Takedown, and then the name of the web host, you should find information on where to file a take down request with the hosting company. If you can't find that, then it's simply a case of contacting the customer support team at that Web hosting company, and they'll put you in the right direction. So again, there's action you can take for this content theft in order to get it removed from the Internet. You can also even go one step further. You can fail a takedown claim with Google too if you find that the offending website is been listed in search for terms relating to your content. Again, if you search DMCA Takedown Google, then you'll find links to their resources too. But aside from doing this, there really is only so much you can do. One site will take your stuff down, but it'll probably pop up on another.





The only way to guarantee that this won't happen is to not publish anything online. Sure there are things that you can do to make it harder for people to download your content in the first place, so you can make it so that people can't download your videos. That's not an uncommon thing, but online memberships. You can make sure you've got watermarks on certain things, that your logo on your web address appears and everything. But that's not going to stop people from being able to steal your content if they have those type of nefarious intentions. Ultimately, if the Hollywood movie industry can't prevent theft of their intellectual property, what chance does the average Membership Site owner? Now, before you start panicking, chances are that the vast majority of people listening to the show won't be major target of these pirates.

Memberships in the online business, Internet marketing field and so on, usually they have a bit of a bigger target on their backs. But even then you generally have to be pretty well known in order to attract the type of people who will willingly and knowingly steal your content and then share it on file sharing websites. So in many ways, this type of content theft as a more straightforward. There's a process for dealing with it and there's also a degree to which we almost have to resign ourselves to this simply being part of the risk of publishing content online. It's very unlikely that anyone in your target audience would use those type of websites in order to access your content. So chances are you're not actually losing money if you're unfortunate for this to happen to you. That doesn't mean it sucks any less. But yeah, like we said, if major movie studios can't stop people pirating their stuff, you don't really stand a chance outside of the initial processes that we've talked about with using DMCA takedown.

It's actually the other type of content theft that is more frustrating and in some ways harder to handle. And that's the type of content theft where people copy your content and pass it off as their own. Now make no mistake, that is theft. We're not just talking about membership content either, also the type of content you create as part of your marketing strategy, so your blogs, podcasts, videos, livestreams and so on. When this sort of thing happens, when you spot somebody who you know has essentially just ripped off your latest blog article, or they've taken some of the key concepts you're teaching in your membership, and they put their spin on it and they're teaching it under their own banner somewhere else, it's far too common for people to simply roll their eyes and think, well, I can't do anything about it. Or imitation is the sincerest form of flattery. Or well, they haven't just outright copied it word for word, so what can I do?

Truth is if you leave this sort of thing unchecked, it can be more damaging to your business than the people who are legally distribute your content on file sharing services. Because there's more of a chance of your target audience and as such your potential members seeing someone else putting out your content and then going and buying from them instead of from you. So while on the surface, it may not seem like this type of content theft is as serious as the other one that we talked about, it actually can be more damaging in the long run. And the good news is there's more you can actually do about it. You just need to be a little more nuanced in your approach. So here are my tips are dealing with this type of content that.

The first thing you need to do is to honestly assess and determine whether you have been copied or whether it's a coincidence that someone has expressed a similar idea.





Sometimes we let our ego do a little too much of the driving, and we think that this great amazing concept or thought, or way of phrasing or expressing something that we've come up with is completely unique and completely original. That were the first person to think of something. And that's very rarely the case, so you need to have an honest assessment of whether it's just coincidence that someone saying something vaguely similar to something you might have blogged about or podcasted about, and whether the idea, strategy, theory, or whatever that is, is more common than maybe you realized it was, or whether it's actually something more nefarious.

Again, ego does tend to lead us to assume that our ideas are unique, but it's not always the case. Review the situation with impartiality. Ask someone else for their input, question the likelihood that the suspected offender has actually seen your content. Firstly, are they actually a member of your site? That's obviously a big factor in whether someone's likely to have seen your membership content in order to rip it off. Now that said, someone who is a bit more nefarious may well have signed up with fake details and so on. But you need to really honestly assess the likelihood of that and ensure you're not veering into conspiracy theory territory. Is the offender on your email list, have they shared, commented on or liked your content on social media in the past? How likely is it that they have been in the situation where they'll have seen contents, and they'll have copied it?

Now of course, if it's copied just word for word, that's a slam dunk. What we're talking about here in particular with trying to figure out, is this someone copying or is it coincidence? Is really those situations where people are seeing similar things and sharing similar concepts, but they're not necessarily just directly plagiarizing what you put out there. And so that's the next thing you need to do. You need to ascertain the type of theft. Sometimes it's overt, sometimes people will literally copy and paste your content on their site or steal your graphics and worksheets and stick their logo on it. However, often it's more subtle. People will take what you're saying and just say it in a slightly different way. They'll put their spin on it or change some of the words. They might reorder some stuff. The substance is still lifted directly from you, they're just putting it in their own words, their own tone of voice.

That type of theft, that type of copying can obviously be harder to spot than where someone literally just copies and pastes. However, the telltale signs will be there. The core points be made will be the same. Even the order of the point to being made, the structure of the article or the podcast episode, the way in which the content flows, all that stuff. That this is a piece of content that has just been adapted from something you originally created, they will recreate. Many people think that simply rewording a blog post makes it theirs and that it isn't copyright theft. However, it absolutely is. It can be hard to approve this type of theft. And it's more frustrating in a way because the offenders very rarely realize they've done something wrong. And in some cases, they will argue until they're blue in the face that what they've done is not copyright theft.

However, what so many people don't realize is that copyright infringement isn't limited to only exact word for word or line for line duplication. There's something called substantial similarity, which is where there's a level of similarity that constitutes





copyright infringement. So if you rewrite content, even if you don't use the exact phrasing, even if you never copy a single sentence, is not only still considered plagiarism, but also very likely constitutes copyright theft as well. And if that's not enough to convince you according to official definitions and guidance on [copyright.gov](https://www.copyright.gov), if you reproduce, distribute, perform, publicly display, or make the original work into a derivative work without the permission of the copyright owner, then that is copyright theft. So that term in particular, derivative work, that means creating something that is based on an existing work that has been changed, condensed, recast or embellished in some way.

So rewriting, re-imagining, putting your own spin on things, adding your own take, it's all copyright theft. I got a little bit soapboxy there, mostly because as we say, the type of theft where someone hasn't just copied and pasted, where it's not bang on the nose, obvious and blatant that someone is literally just ripped off your content, it can be harder to approve, and it can be harder to convince someone and make them realize that what they have done is still theft. Rewriting something that I've spent hours creating doesn't make it any less of a copyright infringement just because you run the whole thing through with the [inaudible 00:12:28]. So the type of theft, the type of copying is going to be a factor in determining how you proceed and how you handle this situation. If it is blatant and outright, you don't need to be as worried about collecting more evidence and doing more investigation to determine and to prove that someone has ripped you off because the proof is blatant.

If it's word for word, and you can show you published something first, then it's pretty hard to dispute. But if it's not quite as cut and dry as that, the next thing you need to do is gather more evidence. If you're pretty convinced someone has ripped you off, you're going to need to be able to prove it. So take screenshots of your work, take screenshots of the offending content, make sure you do this before you make the other part you're aware that you're on their case because often if you alert them first, there's every chance they'll delete the post, or they'll change the content and then fear and ignorance of brush you off. When looking at the content that has copied you, try to identify any similar phrases, especially ones that are uncommon or contained terminology and phrases that are a little more unique to you or that commonly appear in your content.

Take note of things like the structure, the order of the key points made, the headings used and other similarities. Basically, anything that just goes a little bit further than saying, hey, you've said something pretty similar to me in this blog post. You need to start identifying those hallmarks to show consistent points of similarity. Again, going back to that term, substantial similarity. Similarity isn't enough. You need to show that the similarity is substantial. And again, it doesn't have to be identical phrases, identical words, but if you can show the core concepts expressed are identical, or they are substantially similar. The way in which the article has been structured, the order of the key points is substantially similar. A couple of these phrases are exact word for word from what we've written, or they are almost exact with the exception of this one word that's been changed.





Anything that you can do to really strengthen and make your case. Now for dealing with somebody who was copied your membership content as opposed to just your public content that you use for marketing, then if they're a member, you may have data on how they've used your site. So if you're using something like Active Campaign for example, it includes website tracking, which actually keeps a record of all of the pages that someone on your site visits. And you can essentially, see the history of how a particular member has used your website. This can be invaluable for being able to demonstrate that someone has looked at your content first before they've then created their version of it. This again, goes a long way to actually showing that they have copied, or they base their content on you. And you can go a step further and use this import to establish a timeline.

Now, we've had to do that several times in the past, and we've been able to identify and demonstrate patterns of behavior where we could clearly see that somebody viewed an article or a course on our site and then three or four days later happened to publish a blog post that was substantially similar to our content, and then repeated that cycle numerous times. We could see over months worth of content they were putting out, three to four days prior to them putting their content out, they were on our website looking at our content about that topic, and then what they're put out was substantially similar in terms of the concepts in terms of the actual substance of that material. So again, this just adds and adds and adds to the evidence. This makes it pretty hard for them to just say, ah, it's just pure coincidence. You're essentially smashing down the coincidence defense there, and it's pretty damning.

So this stuff is especially useful where it is the type of content theft where someone is just taking ideas and repackaging them rather than copying and pasting or rather than just changing a few words. Pretty hard for someone to deny what they're doing when you can show these behavior patterns. Next thing you need to do is dig a little deeper. If you know someone has clearly been stealing your content, then it's very unlikely that it's an isolated incident. Look through other content that they've published in the past to see whether any of that is similar to content you put out and whether they've ripped you off before. There's a real great website called copyscape.com that you can use to analyze individual articles and then identified whether they've appeared elsewhere online in a similar form.

Now at this point, you're probably going to be pretty adept at identifying whether someone's ripped you off, but if you use something like copyscape.com, you can start to see whether or not they've been ripping other people off as well. Again, this establishes a pattern. It's funny what you'll find when you do this. We actually identified someone who was a fairly big name in certain online business circles, who was stealing chunks of our content and then hacking it together with chunks of other people's content in order to create individual articles. So their article would have an introduction that was copied and pasted directly from us, and then the next few paragraphs are taken from somewhere else and then maybe there'd be a line or two from us. And then a few paragraphs from a third website and then the closing line would be from our article with a little comment, or a quote from another site. So they were just grabbing bits and pieces of other people's material, throwing them in a big blender and spitting out something that on a surface looked original.





But copyscape.com, but then when you run it through copyscape.com, it actually pinpointed all the different locations that this article was stolen from. Again, it's just mounting and mounting and mounting all of your evidence up so that it's absolutely undeniable what somebody is doing. It's nuts that people think they can get away with stuff like this, but it happens. And again, this wasn't some upstart who didn't know about it. This was someone who's been in this space for well over a decade, but a yeah, let's not go down that rabbit hole. Okay, next thing you need to do, you've dug a bit deeper. You've had a look through past content, you've looked to see whether there's established patterns, whether or not they're doing this to other people. Final thing you need to do really in pending that whole picture for yourself before you start taking action is to try to get the full story.

Now, it's not uncommon that this copyright theft is taking place without the business owner being aware. A lot of people these days outsource content creation for their blogs, and they take it on good faith at what they're paying for his original material. Or they'll go onto fiverr.com, they'll pay somebody five bucks to create a workbook, or a graphic, or a video to their specification and they take it on good faith that what they're getting is completely original material. We recently had a situation like that where someone who coaches membership owners paired a person on Fiverr to create a pricing calculator. What they were given was our pricing calculator that's only available to members with our branding removed, and the color scheme changed. And this person was none the wiser. They were distributing it to their audience, and we were totally unaware that was happening until someone who happened to be in their audience and in our audience let us know about it and says, hey, did you realize this person's sharing your stuff with their logo on? It happens. It's not uncommon.

So with something like that where someone's gone to a site like Fiverr, and they appear to have a worksheet, or a pricing calculator created, you're probably not going to be able to tell that, that's a situation, that's not going to be obvious. However, when someone's using guest bloggers or paid content creators who may have ripped you off, you'll usually be able to see patterns of when the content theft started and whether it's a specific author responsible for it. Again, we've had that happen to us. Well, this does happen to us a lot. One of the major membership plugin companies had a bunch of paid writers creating content for them, and one of those paid writers decided that they'd just rip off and remix all of our blogs. None of the other writers were doing there, so it was clear that it was an issue with that one person being lazy and not with the company as a whole.

It's always good to have details like this, so you can identify whether it's a company wide systemic problem or whether it's just someone they paid, and they trusted to deliver something original, who was being lazy and who was a hack who just steals other people's stuff and passes it off as they're on. It's always good to have that full story. So you've done all of your super sleuthing, you've gathered evidence, you've dug deeper into what's actually going on, you've collected data and screenshots. You are equipped with enough details to make this whole thing undeniable. Now it's time to put all of that to use. It's time to get in touch with the person who was ripping off your content. Your first contact should be via email. As we talked about, sometimes the people doing this don't realize what they're doing is wrong. They don't realize that.





Not being educated on the fact that is copyright theft. And indeed in some cases, the owner of the business doesn't know this is happening at all. Maybe they're paying somebody else to create this content, they've got no idea what's happening. Because of that, it's better to try to handle this behind closed doors initially rather than overreacting and calling them out and trashing them in public on social media, which so many people do as a default position these days. Keeping it behind closed doors, make nefarious connect via email. It avoids punishing someone for what might be a genuine mistake. It also ensures that they don't go into ultra defensive mode from the get go, making it easier to resolve the situation. And truthfully, it gives you a card to play later on if you start to experience some resistance, if you're having any problems with them, you always have that threat of outing them on social that you can use to your advantage when trying to get the situation resolved.

Make your first email to them firm, direct but not hostile or threatening. Try and stick to facts, keep emotion and hyperbole and over the top theatrically out of it as much as possible. Be as matter of fact as possible. We've been made aware of unauthorized copying and distribution of our content, or of similarities between our content and material, which you've been publishing. Here are specific examples we've investigated further. This is what we found. We found this pattern, we've seen that you look at our website and then five days later publish something substantially similar, so on and so on. Again, if they're a member on your list and you can prove they've been accessing the content, make sure you're telling them this. Let them know if you have identified patterns of behavior. If what you're dealing with is the whole derivative work's thing as opposed to directly copying and pasting, so where they've stolen ideas and try to repackage them as their own, address this head on, list the similarities, explicitly state that this clearly constituted derivative work, which is in fact a copyright infringement.

So again, you're being clear, you've been direct. This is what's happening. This is my proof. It's at this point that I usually like to soften the tone of the email a little bit. I like to give people an out, so usually I'll write something along these lines. "While I'm sure that neither yourself or anyone in your writing team has malicious intentions." Okay, so what that does, it gives them two outs. First, you're basically saying that you think it was a mistake, that it was unintentional. Even if it was deliberate, this gives them an easy way out. It gives them a way of saying, yes, it was a mistake. It wasn't intentional. I didn't realize this was happening. So you line that up for them.

Secondly, you give them the act of being able to blame it on someone else. So you say neither you or anyone on your team. Even if you know that they're just a one man band, even if you know beyond a doubt that they are the person who has ripped off your stuff, it's so much easier for them to come back and pretend someone else on their team is to blame. Even if they don't have one, then it is for them to come back and say, yes, I take responsibility. I copied your stuff. So we're basically making it easy for them to lie their way out of taking responsibility for this. Why would we let them do that? Why would we let somebody pretend it was a mistake if it wasn't, and pretend somebody else was responsible for it, even if they're the ones to blame?





Honestly, in this situation, I don't care about who takes the blame. I don't care about them accepting personal responsibility. I'm not here for teachable moments. I'm not here to make a point. I'm not here to make them a better person or to teach them the error of their ways. All I care about is getting them to take their rip off content down and to never copy my stuff again, allowing them to save face whether you think they deserve it or not. Allowing them to pretend they didn't know what was happening, and then throw their imaginary content writer under the bus. Makes it easier for me to get this all wrapped up, than if I were to go in there, guns blazing, point the finger directly at them and outright brand them a rip off artists and the thief. Now you may agree, you may disagree, you may think is better to ensure that they take 100% sole responsibility themselves. But ultimately, you've got to think about what is the objective here.

The objective is to get your stolen content taken down and to get someone to stop stealing your stuff. That's it for me anyway Every urge in your body, every instinct might be telling you that you need to go after this person. You need to make them see the error of their ways, but don't get so lost up there taking the moral high ground that you lose sight of the ultimate objective of contacting this person. So, that was the first part of the sentence. "I'm sure neither you or your team had malicious or nefarious intentions. However, we request that you remove all offending material immediately and cease copying our content in this nature. Otherwise, we will be forced to take further action. So here I'll give you the benefit of the doubt. Now, this is what you're going to do about it and if you don't, they'll be trouble." That's basically what you're saying.

I tend not to directly threatened legal action specifically, but the implications there and it's strong enough to give them the message that you're not screwing around. Honestly, this is going to be enough to resolve 95% of the types of situations we're talking about here. Have you gathered enough evidence that it would clearly be futile for them to try to deny or dispute it? And if you'd been firm direct in your communication with them, avoiding putting them into ultra defensive mode but still making it clear that you will bring the hammer down unless they address this now, very few people will fight against that. They know they've been caught, and it's an easy situation for them to resolve. You made it easier for them. They can resolve this without admitting or labeling themselves as a thief, as someone who has copied from you.

So it takes very little effort on their part to resolve this. There's no point in fighting back against it, but if they choose to do things the hard way, then that really is when you have to decide whether this is a big enough issue to warrant taking actual legal action. Personally, I would say that if they continue this type of behavior, then you almost have to take that next step. If they stop copying stuff, they stop putting out new content that has basically ripped yours off, but maybe they leave one or two articles up, that's not as big a problem. And again, you can file DMCA takedown requests with our web host or with Google and so on. So there's remedies to that.

But if somebody keeps going with this behavior, they keep blatantly ripping you off. They're copying and pasting, they're remixing your ideas and packaging them as their own, you've got to take that next step because the more that happens, the more a





continues, the more damaging and potentially be to your business. Now, it's at this point I obviously have to give a huge disclaimer. I'm not a legal expert so maybe this is the point at which you get specialist legal advice. But generally, the next step here would be to arrange for an official cease and desist letter to be sent. You can have a lawyer send this. Usually, they'll have a standard template. It's a pretty standard and straight forward thing to do. And what you'll usually find is that if somebody hasn't taken your original email to them, has a big enough deterrent to this behavior and is big enough motivator to take the offending content down.

Usually, the fact that you've escalated this, that you followed up on your threat to take further action, and the fact that you've appointed official legal representation, that will usually be enough to scare people into remedying the situation. If not, then you might have a fight in your hands and this is definitely the point where you defer to legal advice. However, it really is highly unlikely that you'll get to this stage, especially if you followed some of the tips we talked about today. Now, I do truly hope none of you listening have to deal with this sort of thing. I definitely don't want to encourage you to go scorched earth on everyone who says one or two things that are just vaguely similar to stuff you said in the past. But I know you guys are smart enough to know the difference between two people expressing similar ideas that they've come to independently and somebody blatantly and clearly ripping you off and thinking that they can get away with it because they're changing some words around.

So we're doing this situation where you've clearly been ripped off and stolen from, whether it's membership content, whether it's your blog, podcast, videos and so on, and hopefully you are now better equipped to deal with it. So I know this is a heavy topic. It's not a pleasant subject for me to have to talk about. I'm not sure if you tell I had to take a few breaks during that. I was getting a little bit heated up when thinking about the variety of different situations we've had to deal with in this arena with our own membership. What I can say is that, by following exactly what I've talked about on today's episode, we've been able to resolve each and every situation that's come up where someone's been ripping off and stealing our membership content and our public content. So I am truly talking from a place of experience here.

Okay. That's it for this episode. Thank you so much for joining me today. Hopefully it's been useful. Hopefully it's been worthwhile. Next week, we've got a great episode coming up. We're actually going to be recapping our top takeaways from Social Media Marketing World 2019. Now the time of recording this, I haven't been at the conference yet. I just know that by the time it was all 119 nine rolls out, we'll have been at the conference. We'll have recorded a recap. You'll be hearing from myself and from Ms. Carly Willows, the other half, many would say the better half, of the Membership Guys. We're going to be giving you some of our top takeaways and insights from the speakers that we saw at Social Media Marketing World. It's an interesting one this year because we've actually ... We're almost going there as representatives of our members at MemberSiteAcademy.com.

For the past couple of years, I've actually been a speaker at that conference. However, because we're working on our own event retain, which you can get deals on it, retainlive.com, I'm not taking part in this year's conference. So we're actually





going along as regular attendees, and we've used the opportunity to actually ask our Academy members to choose which sessions they want us to go to. So our agenda is being essentially planned entirely by our Academy members. So yeah, we'll be reporting back on the stuff that they told us they were most interested in, and we'll be sharing some of that info and a bit of a recap and some takeaways on next week's episode.

And then after that, it's the big 200. In two weeks time we're going to be celebrating the 200th anniversary, the 200th episode of the Membership Guys podcast, and we've got something very special line of for that show. But you're going to have to check it out in two weeks to find out what that is. If you're not already a subscriber, hit the subscribe button on whatever app you're using to listen to the show. That will ensure that you don't miss a single episode and that you will be here, not only for next week Social Media Marketing World roundup, but also for the big episode 200 special. That's it for me. I'll be back again next week. Bye for now.

