

## **DOMAIN NAME DISPUTE & COPYRIGHT CLAIMS POLICY**

INMOTION HOSTING, INC. ("INMOTION") supports the protection of intellectual property. Therefore, we have established the following policies regarding copyright infringement claims.

### **Domain Name Dispute Claims**

Please refer to the Uniform Domain Name Dispute Resolution Policy (the "UDRP") if you have a concern or dispute concerning a domain name. The UDRP covers domain names disputes; this Policy specifically excludes domain name disputes. Please see <http://www.icann.org/udrp/udrp.htm>.

### **Copyright Infringement Claims**

1. To notify INMOTION that there has been a copyright or trademark violation, please follow the specific instructions below for filing a copyright complaint.
2. If you are responding to a complaint of infringement, you will need to follow our Counter Notification policy below.

## **NOTICE AND PROCEDURE FOR MAKING CLAIMS OF COPYRIGHT INFRINGEMENT**

Pursuant to Title 17, United States Code, Section 512(c)(2), all notifications of claimed copyright infringement on the INMOTION HOSTING, INC. ("INMOTION") system or Web site should be sent ONLY to our Designated Agent.

**NOTE: THE FOLLOWING INFORMATION IS PROVIDED SOLELY FOR NOTIFYING INMOTION THAT YOUR COPYRIGHTED MATERIAL MAY HAVE BEEN INFRINGED.**

WE CAUTION YOU THAT UNDER FEDERAL LAW, IF YOU KNOWINGLY MISREPRESENT THAT ONLINE MATERIAL IS INFRINGING, YOU MAY BE SUBJECT TO HEAVY CIVIL PENALTIES. THESE INCLUDE MONETARY DAMAGES, COURT COSTS, AND ATTORNEYS FEES INCURRED BY US, BY ANY COPYRIGHT OWNER, OR BY ANY COPYRIGHT OWNER'S LICENSEE THAT IS INJURED AS A RESULT OF OUR RELYING UPON YOUR MISREPRESENTATION. YOU MAY ALSO BE SUBJECT TO CRIMINAL PROSECUTION FOR PERJURY.

DO NOT SEND ANY INQUIRIES UNRELATED TO COPYRIGHT INFRINGEMENT (E.G., REQUESTS FOR TECHNICAL ASSISTANCE OR CUSTOMER SERVICE, REPORTS OF E-MAIL ABUSE, ETC.) TO THE CONTACT LISTED BELOW. YOU WILL NOT RECEIVE A RESPONSE IF SENT TO THAT CONTACT.

**Written notification must be submitted to the following Designated Agent:**

INMOTION HOSTING, INC.  
General Counsel  
4553 Glencoe Avenue, Suite 325  
Marina del Rey, CA 90292  
Facsimile: 310-482-6969  
legal@inmotionhosting.com

Under Title 17, United States Code, Section 512(c)(3)(A), the Notification of Claimed Infringement **must include ALL of the following:**

1. It must be a written communication sent to the address above via registered mail or Federal Express and must require a signature at time of delivery. You may also send the a signed copy of the document via facsimile to above number, however, this does not preclude you from sending in written communication via registered mail or Federal Express.
2. Physical signature of a person authorized to act on behalf of the copyright owner.
3. Identification of the copyrighted work claimed to have been infringed or a representative list if multiple works are involved.
4. Identification of the material that is claimed to be infringing that should be removed or access to disabled and information reasonably sufficient to enable the online service provider to locate the material (usually a URL to the relevant page). If there are more than 5 URLs, please also send an electronic copy of the notice to removals to legal@inmotionhosting.com.
5. Information reasonably sufficient to allow the online service provider to contact the complaining party (address, phone number, e-mail address).
6. Statement that the complaining party has "a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent or the law."
7. Statement that the information in the notice is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the copyright owner.

Upon receipt of notification of a claimed infringement, INMOTION will respond expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity, regardless of whether the material or activity is ultimately determined to be infringing; if selective action is not possible, INMOTION will terminate the alleged infringer's Internet access.

INMOTION will also take reasonable steps to promptly notify the alleged infringer in writing of the claim against him or her, and that it has removed or disabled access to the material or terminated Internet access (see Sections 512(c)(1)(C) and (g) of the DMCA).

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## **COUNTER NOTIFICATION**

Upon receipt of notice from INMOTION that a claim of infringement has been made and/or that the material has been removed or that access to it has been disabled, the Subscriber may provide a Counter Notification.

To be effective, a Counter Notification **must meet ALL of the following requirements:**

1. It must be a written communication;
2. It must be a written communication sent to the Service Provider's (INMOTION) Designated Agent via registered mail or Federal Express and must require a signature at time of delivery. You may also send a signed copy of the document via facsimile, however, this does not preclude you from sending in written communication via registered mail or Federal Express.
3. It must include the following:
  - a. A physical signature of the Subscriber;
  - b. Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled;
  - c. A statement, under penalty of perjury, that the Subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled;
  - d. The Subscriber's name, address, and telephone number, and a statement that the Subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the Subscriber's address is located, or if the Subscriber's address is outside of the United States, for any judicial district in which the Service Provider may be found, and that the Subscriber will accept service of process from the person who provided notification or an agent of such person.

Upon receipt of a Counter Notification from the Subscriber containing the information as outlined above, INMOTION will:

- Promptly provide the Complaining Party with a copy of the Counter Notification;
- Inform the Complaining Party that it will replace the removed material or cease disabling access to it within ten (10) business days following receipt of the Counter Notice;
- Replace the removed material or cease disabling access to the material in not less than ten (10), nor more than fourteen (14), business days following receipt of the Counter Notice, provided Service Provider's Designated Agent has not received notice from the Complaining Party that an action has been filed seeking a court order to restrain Subscriber from engaging in infringing activity relating to the material on Service Provider's network or system.

**CAUTION: Pursuant to Title 17, Section 512(f) of the United States Code, any person who knowingly materially misrepresents that material or activity is infringing, or that material or activity was removed or disabled by mistake or misidentification, shall be liable for any damages, including costs and attorneys' fees, incurred by the alleged infringer, by any copyright owner or copyright owner's authorized licensee, or by a service provider, who is injured by such misrepresentation, as the result of the service provider relying upon such misrepresentation in removing or disabling access to the material or activity claimed to be infringing, or in replacing the removed material or ceasing to disable access to it.**

### **Repeat Infringers**

It is INMOTION's policy to provide for the termination, in appropriate circumstances, of INMOTION customers and account holders who repeatedly violate this policy or are repeat infringers of copyrighted works, trademarks or any other intellectual property.

Revised: September 2008