

It is our policy to respond to clear notices of alleged copyright infringement. This document describes the information that should be present in these notices. It is designed to make submitting notices of alleged infringement to Phyber as straightforward as possible while reducing the number of notices that we receive that are fraudulent or difficult to understand or verify. The form of notice specified below is consistent with the form suggested by the United States Digital Millennium Copyright Act (the text of which can be found at the U.S. Copyright Office Web Site, <http://www.copyright.gov>) but we will respond to notices of this form from other jurisdictions as well.

Regardless of whether we may be liable for such infringement under local country law or United States law, our response to these notices may include removing or disabling access to material claimed to be the subject of infringing activity and/or terminating subscribers. If we remove or disable access in response to such a notice, we will make a good-faith attempt to contact the owner or administrator of the affected site or content so that they may make a counter notification. We may also document notices of alleged infringement on which we act. Please note that in addition to being forwarded to the person who provided the allegedly infringing content, a copy of this legal notice may be sent to a third-party partner for publication and annotation. As such, your letter (with your personal information removed) may be forwarded to Chilling Effects (<http://www.chillingeffects.org>) for publication. You can see an example of such a publication at <http://www.chillingeffects.org/dmca512/notice.cgi?NoticeID=861>.

Infringement Notification

To file a notice of infringement with us, you must provide a written communication (by fax or regular mail -- not by email, except by prior agreement) that sets forth the items specified below. Please note that you will be liable for damages (including costs and attorneys' fees) if you materially misrepresent that a product or activity is infringing your copyrights. Indeed, in a recent case (please see http://www.onlinepolicy.org/action/legpolicy/opg_v_diebold/ for more information), a company that sent an infringement notification seeking removal of online materials that were protected by the fair use doctrine was ordered to pay such costs and attorneys fees. The company agreed to pay over \$100,000. Accordingly, if you are not sure whether material available online infringes your copyright, we suggest that you first contact an attorney.

To expedite our ability to process your request, please use the following format (including section numbers):

1. Identify in sufficient detail the copyrighted work that you believe has been infringed upon. This must include identification of the specific URLs, as opposed to entire sites. For example, "The copyrighted work at issue is the text that appears on <http://johndoe.com/test/content.html>."
2. Identify the material that you claim is infringing the copyrighted work listed in item #1 above.
3. Provide information reasonably sufficient to permit Phyber to contact you (email address is preferred).
4. Include the following statement: "I have a good faith belief that use of the copyrighted material described above on the allegedly infringing web pages is not authorized by the copyright owner, its agent, or the law."
5. Include the following statement: "I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed."
6. Sign the paper.
7. Send the written communication to the following address:

Phyber Communications, LLC.
Attn: DMCA Complaints
214 Main Street #374
El Segundo, CA 90245

OR fax to: +1 (213) 947-1467, Attn: DMCA Complaints

Please note that a copy of each legal notice we receive is sent to a third-party partner for publication and annotation. As such, your letter (with your personal information removed) will be forwarded to Chilling Effects (<http://www.chillingeffects.org>) for publication. You can see an example of such a publication at <http://www.chillingeffects.org/dmca512/notice.cgi?NoticeID=861>. A link to your published letter will be displayed in place of the removed content.

Counter Notification

The administrator of an affected site or the provider of affected content may make a counter notification pursuant to sections 512(g)(2) and (3) of the Digital Millennium Copyright Act. When we receive a counter notification, we may reinstate the material in question.

To file a counter notification with us, you must provide a written communication (by fax or regular mail -- not by email, except by prior agreement) that sets forth the items specified below. Please note that you will be liable for damages (including costs and attorneys' fees) if you materially misrepresent that a product or activity is not infringing the copyrights of others. Accordingly, if you are not sure whether certain material infringes the copyrights of others, we suggest that you first contact an attorney. A sample counter notification may be found at www.chillingeffects.org/dmca/counter512.pdf.

To expedite our ability to process your counter notification, please use the following format (including section numbers):

1. Identify the specific URLs or other unique identifying information of material that Phyber has removed or to which Phyber has disabled access.
2. Provide your name, address, telephone number, email address, and a statement that you consent to the jurisdiction of Federal District Court for the judicial district in which your address is located (or Los Angeles County, California if your address is outside of the United States), and that you will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person.
3. Include the following statement: "I swear, under penalty of perjury, that I have a good faith belief that each search result, message, or other item of content identified above was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled, or that the material identified by the complainant has been removed or disabled at the URL identified and will no longer be shown."
4. Sign the paper.
5. Send the written communication to the following address:

Phyber Communications, LLC.
Attn: DMCA Counter Notification
214 Main Street #374
El Segundo, CA 90245

OR fax to: +1 (213) 947-1467, Attn: DMCA Counter Notification

Account Termination

Phyber will, in appropriate circumstances, terminate repeat infringers. If you believe that an account holder or subscriber is a repeat infringer, please follow the instructions above to contact Phyber's DMCA agent and provide information sufficient for us to verify that the account holder or subscriber is a repeat infringer.