

Intellectual Property Infringement Claims

It is our policy to respond to notices of alleged intellectual property infringement according to the procedures protecting carriers in the Digital Millennium Copyright Act (the text of which can be found at the U.S. Copyright Office Web Site, <http://lcweb.loc.gov/copyright/>) and other applicable intellectual property laws, which may include removing or disabling access to material claimed to be the subject of infringing activity. This document outlines our procedures for handling all Intellectual Property infringement claims, including Trademarks, Copyrights, Patents, Privacy Rights and other matters.

If you are complaining about content put up by a ServePath customer please keep in mind that SERVEPATH IS NOT RESPONSIBLE FOR CUSTOMER CONTENT. We do not put up content and we do not manage it. ServePath does not have physical access to the content so we are forced to discontinue Internet service completely. You should take your case directly to the offending party, not ServePath. A court order gives ServePath authority to immediately remove content so we strongly encourage you to get court orders so that ServePath is not imperiled by improperly discontinuing service to a customer.

Registering a complaint

Please follow the instructions below to notify ServePath of an infringement. We will make a good-faith attempt to contact the owner or administrator of each affected server via the Email address that we have on file for them and via the Email address provided in the complaint so that they may make a counter notification pursuant to sections 512(g)(2) and (3) of the Digital Millennium Copyright Act. It is our policy to document all notices of alleged infringement on which we act.

- [Infringement notification](#)
- [Counter notification](#)

Dispute resolution

ServePath is prevented by law from judging validly submitted Infringement Notifications against validly submitted Counter Notifications. In the event of both a validly submitted Infringement Notification and a validly submitted Counter Notification we will notify both parties of the circumstances via the Email addresses provided and wait for judicial orders.

Infringement Notification

To file a notice of infringement with us, you must provide a written communication via 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. Accordingly, if you are not sure whether certain material of yours is protected by the law, 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 material that you believe has been infringed, including any URL's, file names or other identification.

For example, "Copyrighted work at issue is the text that appears on www.customerofservepath.com."

- 2.** Explain why you believe the material in item #1 above infringes upon your rights.
- 3.** Provide information reasonably sufficient to permit ServePath to contact you (email address is preferred).
- 4.** Provide information, if possible, sufficient to permit ServePath to notify the owner/administrator of the server that allegedly contains infringing material (email address is preferred).
- 5.** Include the following statement: "I have a good faith belief that use of the materials described above is not authorized by the owner, its agent, or the law." Please, we must get this exact language.
- 6.** Include the following statement: "I swear, under penalty of perjury, that the information in this notification is accurate and that I am the intellectual property owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed."
- 7.** Sign the paper. We must get the original hard-copy signature.
- 8.** Send the written communication to the following address:

ServePath, LLC
Attn: Intellectual Property Infringement Notification
360 Spear Suite 200
San Francisco, CA 94105

Counter Notification

The administrator of an affected site may make a counter notification pursuant to sections 512(g)(2) and (3) of the Digital Millennium Copyright Act.

To file a counter notification with us, you must provide a written communication via the my.servepath.com customer portal ticketing system that sets forth the items specified below. Use of this system is required to provide secure, positive identification. 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.

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

- 1.** Identify the specific complaint you are responding to.
- 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 San Francisco, 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 the information in this counter notification is accurate and that I am the intellectual property owner or am authorized to act on behalf of the owner and the allegations of intellectual property right infringement are not valid."

4. Submit the ticket and be sure to note the ticket number for future reference.

5. Send any written communication to the following address:

ServePath, LLC
Attn: Intellectual Property Infringement Notification
360 Spear Suite 200
San Francisco, CA 94105