

# DMCA NOTIFICATIONS AND COUNTER NOTIFICATIONS AND POLICY

## Policy

It is the policy of Malleries, LLC ("Malleries") to respond to clear notices of alleged copyright infringement. The following describes the information that should be present in these notices. It is designed to make submitting notices of alleged infringement to Malleries as straightforward as possible.

It is the policy of Malleries to provide for the termination, in appropriate circumstances, of Malleries Sellers and Buyers who repeatedly violate this policy or are repeat infringers of copyrighted works, trademarks or any other intellectual property.

The form of notice specified below is consistent with the form suggested by the Digital Millennium Copyright Act ("DMCA"). Please be aware that in order to be effective, your notice of claim must comply with the detailed requirements set forth in the DMCA.

You are encouraged to review the DMCA's notice requirements at the [U.S. Copyright Office](#) website before sending your claim.

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 Sellers' accounts.

If we remove or disable access in response to such a notice, we will make a good-faith attempt to promptly contact the affected Seller so that they may make a counter notification if desired.

Once a counter notification has been filed, we may reinstate the content in question within 10-14 business days and promptly provide the person who filed the original notification with a copy of the counter notification unless Malleries' designated agent first receives notice that such person has filed an action

seeking a court order to restrain the subscriber from engaging in infringing activity.

## **Infringement Notification**

Please note that you will be liable for damages (including costs and attorneys' fees) if you knowingly materially misrepresent that material is infringing your copyrights. Accordingly, if you are not sure whether certain material infringes your copyright, we suggest that you first contact an attorney.

To file a notice of infringement, you must provide a written communication by mail or e-mail with the following information:

1. A physical or electronic signature of a person authorized to act on behalf of the owner of the allegedly infringed material ("Complaining Party"),
2. Identification of the copyrighted work claimed to have been infringed or, if multiple copyrighted works are covered by a single notification, a representative list of such works.
3. Identification of the material that is claimed to be infringing along with information reasonably sufficient to permit Malleries to locate the material.
4. Information reasonably sufficient to permit Malleries to contact the complaining party, such as an address, telephone number, and, if available, an e-mail address at which the complaining party may be contacted.
5. A statement by the complaining party that it has a good faith belief that the use of the material in the matter complained of is not authorized by the copyright owner, its agent, or the law.
6. A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

If sending the notification by mail, please send the written communication to the following address:

Charles W. Jelley, Esquire  
302 West Otterman Street  
Greensburg, Pennsylvania 15601

If sending the notification by e-mail, please send the written notification to [support@malleries.com](mailto:support@malleries.com) cc [cjelley@trembaandjelley.com](mailto:cjelley@trembaandjelley.com).

## **Counter Notification**

The seller may make a counter notification. When we receive a counter notification, we may reinstate the material in question.

Please note that you will be liable for damages (including costs and attorneys' fees) if you knowingly materially misrepresent that material was removed or disabled by mistake or misidentification. Accordingly, if you are not sure whether certain material was removed or disabled by mistake or misidentification, we suggest that you first contact an attorney.

To file a counter notification, you must provide written communication to us by mail or e-mail with the specified information below.

1. A physical or electronic signature of the seller.
2. Identification of the material that has been removed or to which access has been disabled and its location before it was removed or access to it was disabled.
3. A statement under penalty of perjury that the seller 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.
4. The seller's name, address, and telephone number.
5. Consent to the jurisdiction of the seller's local U.S. Federal District Court, or, if outside the United States, the U.S. Federal Court jurisdiction where Malleries may be found, and that the seller will accept service of process from the complaining party or an agent of such person.

If sending the notification by mail, please send the written communication to the following address:

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302 West Otterman Street  
Greensburg, Pennsylvania 15601

If sending the notification by e-mail, please send the written communication to [support@malleries.com](mailto:support@malleries.com) cc [cjelley@trembaandjelley.com](mailto:cjelley@trembaandjelley.com)