



## Copyright/Trademark Infringement

Last Revised: 05/2021

Policy: A2002

Arkto Digital, LLC. believes in honest, ethical and moral methods of business operation. We will take every effort to protect the copyrights and legal protections of work.

If you believe your copyrighted or trademarked material is being hosted on an Arkto Digital, LLC. server, client website or account please email the following information, in section A or B for Trademark and Copyright claims respectively, to [abuse@arktodigital.com](mailto:abuse@arktodigital.com).

If you are responding to a complaint, follow the Counter Notification policy in section C and email the information to [abuse@arktodigital.com](mailto:abuse@arktodigital.com).

### Domain Name Dispute Claims:

Please refer to the Uniform Domain Name Dispute Resolution Policy (the "UDRP") if you have a concern or dispute about a registered domain name. Any dispute regarding the registration of domain names will need to be sent either to the registrant, to an ICANN-approved arbitration provider, or the court system.

This Copyright/Trademark Infringement policy specifically excludes domain name disputes and has been established to allow reporting of possible violations involving other Arkto Digital, LLC. products and services.

### A. For Trademark Infringement Claims:

- The trademark, service mark, trade dress, name, or other indicia of origin ("mark") that is claimed to be infringed, including registration number.
- The jurisdiction or geographical area to which the mark applies.
- The name, post office address and telephone number of the owner of the mark identified above.
- The goods and/or services covered by or offered under the mark identified above.
- The date of first use of the mark identified above.
- The date of first use in interstate commerce of the mark identified above.
- A description of the manner in which the Complaining Party believes its mark is being infringed upon.
- Sufficient evidence that the owner of the website that is claimed to be infringing is a GoDaddy customer.
- The precise location of the infringing mark, including electronic mail address, etc.
- A good faith certification, signed under penalty of perjury, stating:
  - The content of the website [identify website] infringes the rights of another party,
  - The name of such said party,
  - The mark [identify mark] being infringed, and
  - That use of the content of the website claimed to be infringing at issue is not defensible.

### B. For Copyright Infringement Claims:

- An electronic signature of the copyright owner, or a person authorized to act on behalf of the owner, of an exclusive copyright that has allegedly been infringed.
- Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works on that site.
- Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit GoDaddy to locate the material.
- Information reasonably sufficient to permit GoDaddy to contact the Complaining Party, such as an address, telephone number, and, if available, an electronic mail address at which the Complaining Party may be contacted.
- A 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.
- A statement that the information in the notification is accurate, and under penalty of perjury, that the Complaining Party is the owner, or is authorized to act on behalf of the owner, of an exclusive right that is allegedly infringed.

### **C. For Counter Notifications:**

If you have received a notice of copyright or trademark infringement that you wish to challenge based on 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, you may provide Counter Notification by emailing [security@arktodigital.com](mailto:security@arktodigital.com) and including the following:

- An electronic signature of the alleged infringer.
- 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.
- A statement under penalty of perjury that the alleged infringer 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.
- The alleged infringer's name, address, and telephone number, and a statement that the Infringer consents to the jurisdiction of the Federal District Court for the judicial district of Arizona, or if the alleged infringer's address is outside of the United States, for any judicial district in which GoDaddy may be found, and that the alleged infringer will accept service of process from the Complaining Party or an agent of such Party.

Or print legibly and mail this information to:

#### **Arkto Digital, LLC.**

**ATTN:** Copyright/Trademark Infringement  
PO Box 61522  
San Angelo, TX 76906

### **D. Arkto Digital, LLC. Response**

- Upon receipt of the appropriate information as defined in section A or B, Arkto Digital, LLC. will initiate an investigation and forward the Complaining Party's written notification to the alleged infringer. While Arkto Digital, LLC. is investigating the claim, Arkto Digital, LLC., at its sole discretion and without any legal obligation to do so, may temporarily remove the allegedly infringing material from its servers, notify the alleged infringer, lock down the domain name(s), redirect the DNS, and/or if it is solely stored on an Arkto Digital, LLC. server, temporarily remove or deny access to the allegedly infringing material.
- If Arkto Digital, LLC. concludes that the Complaining Party has raised a legitimate copyright or trademark claim, it may, at its sole discretion, and without any legal obligation to do so, permanently remove the challenged material from its servers, continue to suspend the alleged infringer's account(s), and/or if it is solely stored on an Arkto Digital, LLC. sever, deny access to the allegedly infringing material.
- If Arkto Digital, LLC. concludes that the Complaining Party has not raised a legitimate claim, it will restore access to the allegedly infringing material.