



Last updated October 2024

NOTICE AND PROCEDURE FOR MAKING CLAIMS OF COPYRIGHT INFRINGEMENT

We respect the intellectual property of others and have established the following procedure for receiving notice of infringement in compliance with the Digital Millennium Copyright Act of 1998, 17 U.S.C. § 512 (the "DMCA"). If you believe that your copyrighted work has been copied in a way that constitutes copyright infringement, and is accessible via the Formstack ("Formstack") system, network, or website (collectively herein referred to as the "Formstack System"), please notify Formstack's Designated Agent. Pursuant to the DMCA, all notifications, and counter notifications, of claimed copyright infringement on the Formstack System should be sent ONLY to Formstack's designated agent.

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

Notification of Claimed Infringement:

Under the DMCA, the notification of claimed infringement must be in writing, and include ALL of the following:

- A physical or electronic signature of the copyright owner, or a person authorized to act on behalf of the copyright owner;
- Identification and description of the copyrighted work claimed to have been infringed, or a representative list if multiple works are involved;
- Identification and description of the allegedly infringing, and/or a reference or link to the allegedly infringing material or activity. The information must be reasonably sufficient to enable the online service provider to locate the material, reference, or link;
- Contact information reasonably sufficient to allow the online service provider to contact the complaining party (address, phone number, e-mail address);
- 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, signed under the penalty of perjury, that the information in the notice is accurate, and that the complaining party is authorized to act on behalf of the copyright owner;

Upon receipt of notification of a claimed infringement, Formstack will respond, as it deems appropriate and in its sole discretion, to promptly remove or disable access to the material that is claimed to be infringing or to be the subject of infringing activity. If selective action is not possible, Formstack will terminate the alleged infringer's access to the Formstack System, as necessary.

Formstack 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 (see Sections 512(c)(1)(C) and (g) of the DMCA).

Counter Notification:

Upon receipt of notice from Formstack 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 Formstack customer may provide a counter notification.

To be effective, a counter notification must be in writing and meet ALL of the following requirements:

- A physical or electronic signature of the customer;
- Customer's name, address, and telephone number;
- Identification of the material that has been removed or to which access has been disabled;
- The online location at which the material appeared before it was removed or access to it was disabled;
- A statement, under penalty of perjury, that the customer has a good faith belief that the material was removed or disabled as a result of mistake or misidentification; and
- A statement of consent to be governed by any judicial district in which Formstack may be found, and that the customer will accept service of process from, or on behalf of, the person who provided the DMCA takedown notice.

Upon receipt of a counter notification from the customer containing the information as outlined above, Formstack will:

- Promptly provide the complaining party with a copy of the counter notification;
- Inform the complaining party that it will restore the removed material, or cease disabling access to it, within ten (10) business days following receipt of the counter notification;
- Restore the removed material, or cease disabling access to it, between ten (10) and fourteen (14) business days following receipt of the counter notification, provided Formstack's Designated Agent has not received notice from the complaining party that an action has been filed seeking a court order to restrain customer from engaging in infringing activity relating to the material on Service Provider's network or system.

Designated Agent:

Written notification, or counter notification, of any claimed infringement must be submitted in writing to the following Designated Agent:

Legal Department
Formstack, LLC
11671 Lantern Road
Suite 300
Fishers, IN 46038

Copy to:

Dinsmore & Shohl LLP
ATTN: DMCA Takedown Notice
North Point Tower
1001 Lakeside Ave E.
Suite 990
Cleveland, OH 44114

A digital copy should be submitted via email to: dmca@formstack.com

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. Additionally, Formstack has the right, under appropriate circumstances, in its sole discretion, to terminate authorization of users of the Formstack System who are repeat infringers. Formstack reserves the right to define the criteria by which Formstack will determine that a person is a repeat infringer, but will take into account all relevant facts and circumstances when determining whether or not to terminate access. You can find a full text of the DMCA on the U.S. Copyright Office website here: <https://www.copyright.gov/legislation/dmca.pdf>