

Abuse Division - Legal Reports

To file a formal notification of unauthorized use of your name and/or personal information, photos, etc. ("personal material") being published through a website hosted on the HostDime.com network, please follow the steps below so we may assist you in your situation.

A) A notification of unauthorized use of material must meet the following requirements in order to be effective and properly acknowledged:

- It must be a written communication.
- It must be sent via postal mail to Abuse Division.
- It must include the following:
 1. A physical or electronic signature of a person (Complaining Party) authorized to act on behalf of the offended party whose personal material has been used in an unauthorized manner.
 2. Identification of the unauthorized use being claimed, or if multiple instances of unauthorized use at a single online site are covered by a single notification, a representative list of such use at that site.
 3. Information reasonably sufficient to permit the service provider 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.
 4. A statement that the Complaining Party has a good faith belief that use of personal material in the manner complained of is not authorized by the Complaining Party.
 5. 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 offended party whose personal material has been used in an unauthorized manner.

B) HostDime.com will do the following when a Complaining Party provides notification of unauthorized use of personal material in compliance with the guidelines outlined above --

- Expediently remove or disable access to the personal material that is claimed to be unauthorized.
- Take reasonable steps to notify the alleged user (Subscriber) of the personal material(s) claimed to be unauthorized that such personal material has been removed or that access to it has been disabled.

The Subscriber party, upon receipt of notice from HostDime.com that a claim of unauthorized use has been made and that the personal material on said Subscriber's account has been removed or that access to it has been disabled, the Subscriber party may provide a Counter Notification by following the instructions.



A Counter Notification must meet the following requirements in order to be effective and properly acknowledged --

- It must be a written communication.
- It must be sent via postal mail to Abuse Division.
- It must include the following:
 1. A physical or electronic signature of the Subscriber.
 2. Identification of the personal material that has been removed or to which access has been disabled and the location at which the personal material appeared before it was removed or access to it was disabled.
 3. A statement, under penalty of perjury, that the Subscriber has a good faith belief that the personal material was removed or disabled as a result of mistake or misidentification of the personal material to be removed or disabled.
 4. The Subscriber's name, address, and telephone number, and a statement that the Subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the Subscriber's address is located, or if the Subscriber's address is outside of the United States, for any judicial district in which HostDime.com may be found, and that the Subscriber will accept service of process from the person who provided notification or an agent of such person.

HostDime.com will do the following upon receipt of a Counter Notification from the Subscriber containing the information as outlined above:

- Promptly provide the Complaining Party with a copy of the Counter Notification.
- Inform the Complaining Party that it will replace the removed personal material or cease disabling access to it within ten (10) business days following receipt of the Counter Notice.
- Replace the removed personal material or cease disabling access to the personal material in not less than ten (10), nor more than fourteen (14), business days following receipt of the Counter Notice, provided the Abuse Division of HostDime.com has not received notice from the Complaining Party that an action has been filed seeking a court order to restrain Subscriber from engaging in unauthorized activity relating to the personal material on HostDime.com's network or system.

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 HostDime.com 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.

