

SAMPLE OF REQUIRED NOTICE THAT SHOULD BE POSTED ON THE “TERMS OF USE” PAGE OF EVERY SITE DISPLAYING MLS DATA FEEDS:

CLAIMS OF COPYRIGHT INFRINGEMENT

Windermere respects the intellectual property rights of others and take claims of copyright infringement seriously. We will respond to notices of alleged copyright infringement that comply with applicable law. If you believe any materials accessible on or from this Site infringe your copyright, you may request removal of those materials (or access to them) from the Site by submitting written notification to our copyright agent designated below. In accordance with the Online Copyright Infringement Liability Limitation Act of the Digital Millennium Copyright Act (17 U.S.C. §512(c)(3)) ("DMCA"), your written notice ("DMCA Notice") must include substantially the following:

- a. Identification of the copyrighted work that you claim has been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at the site;
- b. Identification of the material that you claim is infringing, including a description of where it is located so that our copyright agent can locate it;
- c. Your name, address, telephone number, and, if available, e-mail address, so that our copyright agent may contact you about your complaint; and
- d. A signed statement that the above information is accurate; that you have a good faith belief that the identified use of the material is not authorized by the copyright owner, its agent, or the law; and, under penalty of perjury, that you are the copyright owner or are authorized to act on the copyright owner's behalf in this situation.

Our designated copyright agent to receive DMCA Notices is:

General Counsel
Windermere Services Co.
5424 Sand Point Way NE
Seattle, WA 98105
Phone: 206-527-3801
Email: copyright@windermere.com

If you fail to comply with all of the requirements of Section 512(c)(3) of the DMCA, your DMCA Notice may not be effective. Please be aware that if you knowingly materially misrepresent that material or activity on the Site is infringing your copyright, you may be held liable for damages (including costs and attorneys' fees) under Section 512(f) of the DMCA.

If you believe that material you posted on the Site was removed or access to it was disabled by mistake or misidentification, you may submit a counter notification to our copyright agent. Pursuant to the DMCA, a valid counter notification must include substantially the following

- a. 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;
- b. Your name, address, telephone number, and, if available, e-mail address, so that our copyright agent may contact you about your counter notification;
- c. A signed statement under penalty of perjury that you have a good faith belief that the material identified in your counter notification was removed or disabled as a result of mistake or misidentification; and
- d. A signed statement that you consent to the jurisdiction of Federal District Court for the judicial district in which your address is located, or if your address is outside of the U.S., for any judicial district in which the Site may be found; and that you will accept service of process from the person (or agent of that person) who provided the Site with the DMCA Notice at issue.

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The DMCA allows us to restore the removed content if the party filing the original DMCA Notice does not file a court action against you within ten business days of receiving the copy of your counter notification. Please be aware that if you knowingly materially misrepresent that material or activity on the Website was removed or disabled by mistake or misidentification, you may be held liable for damages (including costs and attorneys' fees) under Section 512(f) of the DMCA.

It is our policy in appropriate circumstances to disable and/or terminate a repeat infringer's account or other similar ability to use the Site.

This information should not be construed as legal advice. We recommend you seek independent legal counsel before filing a DMCA Notice or counter notification.