

## Notice and takedown (English)

The Notice and Takedown procedure is intended for reporters with a complaint about the content of a website. The reporter can address the hosting provider under this procedure, in which the website and/or domain name is hosted, if it is not possible to submit the report to the website administrator. For example, because the administrator does not respond or there is a lack of contact information from the administrator.

Through the NTD procedure, we are able to handle reports of illegal content on a website of one of our clients. We follow the NTD procedure set out in Article 2. It is important to note that we will only take action if there is clear and evident unlawfulness. If there is doubt about the report submitted by the reporter, the report will be rejected and the reporter will be informed by email.

To handle the report of the reporter according to the NTD procedure, the reporter must ensure that the NTD form is fully, truthfully and accompanied by the necessary evidence such as internet addresses, screenshots. If the report is incomplete or incorrect by the reporter, we will not be able to review it and it will be rejected. The reporter will be informed by email. Here you can find a brief explanation about the NTD procedure and handling.

Normal reports are handled by us within 7 working days, while urgent reports (which we will determine in consultation with our legal advisors) will be handled within 24 hours. If it is an urgent matter, it is mandatory to motivate this by means of the NTD form on <https://www.xynta.com/>.

### Artikel 1. Definitions

1. Reporter: The person and/or party who chooses to send a Report to the Intermediary using the NTD form on <https://www.xynta.com/>.
2. Report: The NTD form filled out and sent by the Reporter to the Intermediary.
3. Customer: The Website administrator referred to by the Reporter in the Report sent to the Intermediary.

4. Intermediary: The Website's hosting provider, domain name registrar referred to by the Reporter in the Report. The Intermediary is Xynta located in Zwijndrecht (the Netherlands).
5. Emergency Report: If the Reporter believes that it is an Emergency Report, then the Reporter must motivate the Report through the NTD form.

## **Article 2. Notice and Takedown Procedure**

1. We receive a Notice through the NTD form. If the NTD form is fully and truthfully completed and contains sufficient information/evidence to process the Notice, we will initiate the NTD procedure. If the Notice is rejected, the Reporting Party will receive an email about this. It is possible to resubmit the Notice.
2. We will check if we are hosting the relevant website. If this is not the case, we will reject the Notice and the Reporting Party will receive an email about this.
3. We inform the customer with a request to respond to the Notice within 48 (or in case of an urgent notice within 24) hours. Important! The customer will be informed about the content of the Notice and the identity of the Reporting Party.

## **Article 3. Notice and Takedown Processing**

1. The customer chooses to remove the material from the Notice or make the website inaccessible. This successfully resolves the Notice. The Reporting Party and the customer will be informed about this by the intermediary via email.
2. The customer chooses not to respond or the response is negative;
  - a. The intermediary decides within 7 working days whether the Notice is undeniably unlawful. If this is the case, the intermediary will take the website offline. This successfully resolves the Notice. The Reporting Party and the customer will be informed about this by the intermediary via email.
  - b. If it is not possible for the intermediary to determine unmistakable unlawfulness, the Notice will be rejected. The Reporting Party and the customer will be informed about this by the intermediary via email.

Important: Unmistakable unlawful information is made inaccessible immediately in case of an emergency situation that does not justify further delay.

#### **Article 4. Disagreement over the intermediary's decision**

1. If the Reporting Party feels that the intermediary has not handled/assessed the Notice correctly, they can contact the trade organization ISPCoconnect (<http://ispconnect.nl>) that the intermediary is affiliated with. They can then independently handle/assess the Reporting Party's complaint through the dispute procedure (<http://ispconnect.nl/geschillencommissie/>).

\*) NTD stands for Notice and Takedown.