

## Notice & Takedown Procedure

### **Notice & Takedown Procedure: Conditions Notice Unlawful Expressions Introduction**

PHX Financials B.V. ("Company") attaches great importance to the freedom of expression, but is aware too that the Internet may be used in a way that under certain circumstances can be detrimental to third parties. Company is a provider of internet related services. In this capacity it does not carry out any (preventive) supervision on the use of its services and is not obliged to do so either.

In its efforts to act carefully and in a transparent manner towards all parties involved in the use of its services, Company has implemented this Notice & Takedown procedure, without being under any (legal) obligation to do so. This Notice & Takedown procedure concerns the processing of notices of third parties relating to (allegedly) unlawful expressions on Company's servers with the request to remove or make inaccessible the article(s) concerned. Company may only process notices including requests to remove or make inaccessible articles accessible through Company's servers, if these articles contain manifestly unlawful expressions.

#### **1. Indemnification and Applicability**

1.1. These conditions apply to all notices to Company of (allegedly) unlawful expressions.

1.2. By completing the Notification Form the notifier and, if applicable, the right-holder represented by that notifier, (together "Notifier") indemnify Company and its affiliated companies against any third party's claim and against all damage and costs (including costs for legal assistance) suffered by Company or its affiliated companies as a result of the dealing or complying with the notice.

#### **2. Requirements for the Notice**

2.1. Notices may only be made with the use of the Notification Form published on Company's website. The notice should be sent using the Form on the website.

2.2 The Notification Form shall only be dealt with if it is filed in the Dutch or English language.

2.3. A notice sent on behalf of a right-holder, e.g. by a(n) (legal) expert, will only be dealt with if the Notifier has submitted a document signed by the relevant rightholder in which it is unambiguously stated that the Notifier has a power of attorney granting him the right to submit the notice on behalf of the right-holder.

2.4. The notice will only be dealt with if it is correctly and fully completed and if it relates to articles containing manifestly unlawful expressions accessible through Company's servers.

2.5. In the event of questions on the substantiation of his/her notice, the Notifier him-/herself has to ask advice from a(n) (legal) expert in the field.

### **3. Decision**

3.1. Only if the end-user has initially posted the relevant article(s) directly on Company's server(s), Company will use its reasonable efforts to (have) inform(ed) that enduser.

3.2 Company can only take into account a response from the relevant end-user to the allegation contained in the notice, if it has received such a response within two (2) days from the date of the notice concerned, unless in Company's view the case is such that this response cannot be awaited. Company will include such a response, if any, in its assessment of the unlawful character of the expression concerned.

3.3. Company will decide within five (5) business days on correctly and fully completed notices, unless Company is of the view that this decision will take more time.

### **4. Assessment**

4.1. Company will assess the notices in accordance with Dutch law.

4.2. If Company grants the request to remove or make inaccessible one or more articles, Company is entitled to immediately remove or make inaccessible the article(s) concerned.