

# GODADDY.COM - TRADEMARK AND COPYRIGHT INFRINGEMENT POLICY

## **Go Daddy**

### **Trademark/Copyright Infringement**

Respecting Intellectual Property

GoDaddy.com, LLC ("Go Daddy") supports the protection of intellectual property. Whether you are the holder of a trademark, service mark, or copyright, Go Daddy is committed to helping you protect your legal rights. Therefore, we have established the following policies for considering trademark and/or copyright infringement claims.

### **Domain Name Dispute Claims**

Please refer to the Uniform Domain Name Dispute Resolution Policy (the "UDRP") if you have a concern or dispute about a registered domain name. Any dispute regarding the registration of domain names will need to be sent either to the registrant, to an [ICANN-approved arbitration provider](#), or the court system. Please review our [Attorney Tips](#) for more information about submitting copies of court and legal documents to Go Daddy.

This Trademark/Copyright Infringement policy specifically excludes domain name disputes and has been established to allow reporting of possible violations involving other Go Daddy products and services.

### **Go Daddy Auctions and Premium Domain Name Dispute Claims**

1. To notify Go Daddy that there has been a trademark violation regarding a domain offered for sale on Go Daddy Auctions or as a Premium Domain Name, please follow the specific instructions (A) below for filing a trademark claim.
2. If you are responding to a complaint of infringement regarding a domain offered for sale on Go Daddy Auctions or as a Premium Domain Name, follow our Counter Notification Policy in (C) below.

### **Copyright and Trademark Claims**

1. To notify Go Daddy that there has been a copyright or trademark violation, please follow the specific instructions in (A) for filing a trademark claim, or (B) filing a copyright complaint.
2. If you are responding to a complaint of infringement, you will need to follow our Counter Notification policy in (C).

#### **A. Trademark Claims**

1. If you (the "Complaining Party") would like to submit a trademark claim for violation of a mark on which you hold a valid, registered trademark or service mark (registered with the United States Patent and Trademark Office on the Principal Register or, for foreign marks, registered with the appropriate intellectual property organization of your country; state registrations and registrations on the Supplemental Register are not considered valid for these purposes), Go Daddy requests that the Complaining Party substantiate such claim by either: (i) filling out the form available here, or (ii) providing the following information via email to [TrademarkClaims@godaddy.com](mailto:TrademarkClaims@godaddy.com). The words "Trademark Claim" should appear in the subject line.

To be considered effective, a notification of a claimed trademark violation must include the following information:

- The trademark, service mark, trade dress, name, or other indicia of origin ("mark") that is claimed to be infringed, including registration number.
- The jurisdiction or geographical area to which the mark applies.
- The name, post office address and telephone number of the owner of the mark identified above.
- The goods and/or services covered by or offered under the mark identified above.
- The date of first use of the mark identified above.
- The date of first use in interstate commerce of the mark identified above.
- A description of the manner in which the Complaining Party believes its mark is being infringed upon.
- Sufficient evidence that the owner of the website that is claimed to be infringing is a Go Daddy customer.
- The precise location of the infringing mark, including electronic mail address, etc.
- A good faith certification, signed under penalty of perjury, stating:
  1. The content of the website [identify website] infringes the rights of another party,
  2. The name of such said party,
  3. The mark [identify mark] being infringed, and
  4. That use of the content of the website claimed to be infringing at issue is not defensible.

2. Upon receipt of the appropriate information identified in Section 1 above, for trademark claims, Go Daddy will initiate an investigation. While Go Daddy is investigating the claim, Go Daddy, at its sole discretion and without any legal obligation to do so, may temporarily remove the challenged material from Go Daddy Auctions, notify the posting party it will lock down the posting party's domain name(s), redirect the posting party's DNS, forward the Complaining Party's written notification to the posting party, and/or if it is solely stored on a Go Daddy server, temporarily remove or deny access to the challenged material.

3. If Go Daddy concludes that the Complaining Party has raised a legitimate trademark claim, it may, at its sole discretion and without any legal obligation to do so, permanently remove the challenged material from Go Daddy Auctions, continue to suspend the posting party's Go Daddy account and/or if it is solely stored on a Go Daddy server, deny access to the challenged material. If Go Daddy concludes that the Complaining Party has not raised a legitimate claim or if it is not clear whether the Complaining Party has raised a legitimate claim, Go Daddy will restore access to the challenged material.

4. The Complaining Party should understand that Go Daddy, an ICANN accredited registrar, and its customers are bound by the UDRP. Nothing in this Policy should be construed to supersede the UDRP, nor the obligation of Go Daddy and its customers to abide by it in the context of domain name disputes.

#### **B. Copyright Claims**

1. If the Complaining Party would like to submit a copyright claim for material on which you hold a bona fide copyright, Go Daddy requests that the Complaining Party substantiate such claim by providing Go Daddy with the following information via email to [CopyrightClaims@godaddy.com](mailto:CopyrightClaims@godaddy.com). The words "Copyright Claim" should appear in the subject line. A copyright claim can also be submitted by mail to: Copyright Agent, Go Daddy, 14455 N. Hayden Road, Suite 219, Scottsdale, AZ 85260

To be considered effective, a notification of a claimed copyright infringement must be provided to Go Daddy and must include the following information:

1. An electronic signature of the copyright owner, or a person authorized to act on behalf of the owner, of an exclusive copyright that has allegedly been infringed.
  2. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works on that site.
  3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit Go Daddy to locate the material.
  4. Information reasonably sufficient to permit Go Daddy to contact the Complaining Party, such as an address, telephone number, and, if available, an electronic mail address at which the Complaining Party may be contacted.
  5. 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.
  6. A statement that the information in the notification is accurate, and under penalty of perjury, that the Complaining Party is the owner, or is authorized to act on behalf of the owner, of an exclusive right that is allegedly infringed.
2. For Copyright Claims, upon receipt of appropriate notification from the Complaining Party, pursuant to Section 1 of Copyright Claims above, Go Daddy will remove or disable access to the material that is claimed to be infringing.
3. If the Complaining Party provides Go Daddy with appropriate notification, pursuant to Section 1 of Copyright Claims above, including information reasonably sufficient to permit Go Daddy to locate and remove or disable the material in question, or includes information concerning repeat infringement, then Go Daddy will forward the Complaining Party's written notification to such alleged Infringer and shall take reasonable steps promptly to notify the Infringer that it has removed or disabled access to the material.

### **C. Counter Notification Policy**

1. Counter Notification. If you have received a notice of copyright or trademark infringement, you may provide Counter Notification by emailing [CopyrightClaims@godaddy.com](mailto:CopyrightClaims@godaddy.com) or [TrademarkClaims@godaddy.com](mailto:TrademarkClaims@godaddy.com) and including the following:

1. An electronic signature of the Infringer.
2. 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.
3. A statement under penalty of perjury that the Infringer has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.
4. The Infringer's name, address, and telephone number, and a statement that the Infringer consents to the jurisdiction of the Federal District Court for the judicial district of Arizona, or if the Infringer's address is outside of the United States, for any judicial district in which Go Daddy may be found, and that the Infringer will accept service of process from the Complaining Party or an agent of such Party.

2. Upon receipt of a Counter Notification as described in Section 1 above, Go Daddy shall promptly provide the Complaining Party with a copy of the Counter Notification, and inform such Party that it will replace the removed material or cease disabling access to it in ten (10) business days. Go Daddy will replace the removed material and cease disabling access to it in not less than ten (10), nor more than fourteen (14), business days following receipt of the Counter Notification, unless Go Daddy first receives notice from the Complaining Party that such Complaining Party has filed an action seeking a court order to restrain the Infringer from engaging in infringing activity relating to the material on Go Daddy's system or network.

#### **D. Repeat Infringers**

It is Go Daddy's policy to provide for the termination, in appropriate circumstances, of Go Daddy customers and account holders who repeatedly violate this policy or are repeat infringers of copyrighted works, trademarks or any other intellectual property.

Revised: 9/18/2013

Copyright © 2003-2013 GoDaddy.com, LLC All Rights Reserved.

