

**FORM 2**

**COUNTER-NOTICE IN RESPONSE TO  
NOTICE OF CLAIMED INFRINGEMENT OF COPYRIGHT BY COPYRIGHT  
OWNER OR AGENT**

**TO FLIPPA.COM PTY LTD:**

1. I, the individual or body corporate whose name is stated below, having received a copy of a notice of claimed infringement from you in relation to the copyright material specified in the Schedule (the *specified copyright material*), issue this counter-notice for the purposes of:
  - (a) condition 3 of item 4 of the table in subsection 116AH (1) of the Copyright Act 1968 and regulation 20K of the Copyright Regulations 1969; and/or
  - (b) condition 3 of item 5 of the table in subsection 116AH (1) of the Copyright Act 1968; and
  - (c) any other applicable copyright legislation or regulations in force anywhere in the world, including without limitation the Digital Millennium Copyright Act.
2. I am the user who directed you to store the specified copyright material on your system or network.
3. I believe, in good faith on the grounds set out in paragraph 4, and under penalty of perjury, that the notice of claimed infringement was issued because of:
  - \*(a) a mistake as to fact or law in relation to the specified copyright material; or
  - \*(b) a mistake in identifying the specified copyright material.
4. The grounds for my belief in the statement in paragraph 3 are as follows: [*state the grounds*]

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5. I consent to the jurisdiction of and agree to comply with the orders of:
  - \*(a) a court having jurisdiction in the place where I live or undertake my business, being a place in Australia; and [*Strike out if user does not live in Australia*]

- \***(a)** a court having jurisdiction in a place in Australia where you, Flippa.com Pty Ltd, are located and where an action for infringement of the copyright in the specified copyright material could be brought; and *[Strike out if the user lives in, or carries on a business in, Australia]*
- (b)** the Federal District Court for the judicial district in which my address is located (if located in the United States), or any judicial district in which Flippa.com Pty Ltd may be found (if located outside the United States).
6. I will accept service of process in any action for infringement of the copyright in the specified copyright material, including from the person who lodged the original notice of claimed copyright infringement or an agent of such person.
7. I have taken reasonable steps to ensure that the information and statements in this counter-notice are accurate.

**NAME OF \*INDIVIDUAL/\*BODY CORPORATE:**

**ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_

**TELEPHONE NUMBER:** \_\_\_\_\_

**FAX NUMBER:** \_\_\_\_\_

**E-MAIL ADDRESS:** \_\_\_\_\_

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**Signature of User**

## SCHEDULE

**DESCRIPTION OF COPYRIGHT MATERIAL:** [*insert sufficient information to enable Flippa.com Pty Ltd to identify the copyright material in respect of which the infringement is claimed*]

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**LOCATION OF COPYRIGHT MATERIAL ON CARRIAGE SERVICE PROVIDER'S SYSTEM OR NETWORK:** [*insert sufficient information to enable Flippa.com Pty Ltd to identify where on its system or network the copyright material in respect of which the infringement is claimed was stored*]

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\* *Omit if inapplicable*

**Please note:**

- If this notification is issued by electronic communication, the requirement to sign the notification is taken to have been met if the method described in subregulation 20D (2) of the *Copyright Regulations 1969* is used.
- A counter-notice must be issued to Flippa.com Pty Ltd's designated representative within 3 months after the user receives the notice of claimed infringement to which the counter-notice relates.
- An action for a civil remedy may be brought by a person who suffers loss or damage because of a material representation made knowingly in this counter-notice — see regulation 20X of the *Copyright Regulations 1969*. In addition, it is an offence under the *Criminal Code* to issue this counter-notice knowing that it is false or misleading in a material particular — see section 137.2 of the *Criminal Code*.