

FORM 3

COUNTER-NOTICE IN RESPONSE TO TAKEDOWN OF COPYRIGHT MATERIAL OTHER THAN FOLLOWING NOTICE 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 notice from you under regulation 20P of the *Copyright Regulations 1969* 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 20Q of the Copyright Regulations 1969; or
 - (b) 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 you have removed, or disabled access to, the specified copyright material 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:

5. 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:

Signature of User

SCHEDULE

DESCRIPTION OF COPYRIGHT MATERIAL: *[insert sufficient information to enable Flippa.com to identify the copyright material that has been removed, or to which access has been disabled]*

LOCATION OF COPYRIGHT MATERIAL ON CARRIAGE SERVICE PROVIDER'S SYSTEM OR NETWORK: *[insert sufficient information to enable Flippa.com to identify where on its system or network the copyright material that has been removed, or to which access has been disabled, was stored]*

* *Omit if inapplicable*

Please note:

- A counter-notice must be issued to Flippa.com Pty Ltd's designated representative within 3 months after the user receives the notice to which the counter-notice relates.
- If this counter-notice is issued by electronic communication, the requirement to sign the counter-notice is taken to have been met if the method described in subregulation 20D (2) of the *Copyright Regulations 1969* is used.
- 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 notice — see regulation 20X of the *Copyright Regulations 1969*. In addition, it is an offence under the *Criminal Code* to issue this notice knowing that it is false or misleading in a material particular — see section 137.2 of the *Criminal Code*.
- If Flippa.com Pty Ltd is satisfied, on the basis of the information and statements in this counter-notice, that the specified copyright material is not, or is not likely to be, infringing, we will restore, or enable access to, the copyright material on our system or network.