

# EXHIBIT X

## Hot File

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## **HOTFILE INTELLECTUAL PROPERTY POLICY**

### **HOTFILE COPYRIGHT AND DMCA POLICY**

HotFile is a service provider under the Digital Millennium Copyright Act, 17 U.S.C. section 512 ("DMCA"). HotFile has adopted the following policy concerning copyright infringement in accordance with the DMCA and copyright law. Hotfile will respond promptly to claims of copyright infringement reported to its designated copyright agent. It is Hotfile's policy to: (1) accommodate and not interfere with standard technical measures (as defined by the DMCA) used to identify and protect copyrighted works; (2) disable access to or remove content that it believes in good faith may infringe the copyrights of third parties; and (3) discontinue service to users who repeatedly make such content available or otherwise violate HotFile's Terms of Service. Please do not abuse the HotFile service by using it to distribute materials to which you do not have the rights.

### **How to Report Infringement**

If you are the owner of any exclusive right under copyright laws, or are authorized to act on behalf of such an owner, and you believe that a copyrighted work is being used or provided through the HotFile service in a manner that constitutes copyright infringement, please send the following information to HotFile's designated agent:

1. Identification of the copyrighted works claimed to have been infringed or, if multiple copyrighted works are covered by a single notification, a complete or representative list of such works.
2. Identification of the material 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 HotFile to locate the material. (Requests will be processed most quickly if we are provided with a list of the HotFile URLs or links associated with the material, rather than images or copies of files.)
3. Contact information for the person providing notice, such as an address, telephone number and, if available, an e-mail address.

4. A statement that the person providing notice has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, the copyright owner's agent, or the law. (Please note that under the DMCA, any person who knowingly and materially misrepresents that content is infringing may be subject to liability.)
5. A statement that the information in the notice is accurate, and a statement, under penalty of perjury, that the notifying party is authorized to act on behalf of the owner of the copyright that is allegedly infringed.
6. The physical or electronic signature of a person authorized to act on behalf of the owner of the copyright that has been allegedly infringed.

To submit your notice, [click here](#) to send it to HotFile's designated agent, or send it by postal delivery to:

Constantin Luchian  
1007 N. Federal Highway, Suite 240  
Fort Lauderdale, Florida, 33304  
United States of America

If HotFile's designated agent receives proper notification, or if HotFile comes to believe in good faith that content available through the HotFile service may infringe copyrights, it will remove or disable access to the potentially infringing materials as soon as reasonably possible. HotFile will also promptly notify the member or user who made the content available through the HotFile service that the content has been removed or access to it has been disabled.

### **Special Rightsholder Account**

If you are the owner of copyrights in works that have been made available through the HotFile service without your permission, or the authorized representative of such a copyright owner, and you have given or may be required to give repeated notifications under the DMCA with respect to such material, you may request a Special Rightsholder Account.

Using a Special Rightsholder Account, you may remove or disable access to materials made available through the HotFile service by submitting the URLs for those materials through your account. If you use this process, you are not required to report infringement as specified above. Submitting the URLs will result in prompt removal of or disabling of access to the content associated with those URLs.

By submitting a URL using your Special Rightsholder Account, you will be representing that you have a good faith belief that the material associated with the URL infringes the copyrights in that material, and that you own the copyrights in that material or are authorized to represent the owner of the copyrights. (Please note that under the DMCA any person who knowingly and materially misrepresents that material is infringing may be subject to liability.)

When you submit URLs using your Special Rightsholder Account, a notice will be sent to the user who uploaded the affected material, and that user may submit a counter-notification, as provided for by the DMCA and this policy.

To request a Special Rightsholder Account, please send an e-mail HotFile's designated agent at [abuse@hotfile.com](mailto:abuse@hotfile.com), or by postal delivery to:

Constantin Luchian  
1007 N. Federal Highway, Suite 240  
Fort Lauderdale, Florida, 33304  
United States of America

Include in the subject line of your e-mail or your postal correspondence the phrase "Special Rightsholder Account."

### **How to Submit a Counter-Notification if You Dispute Removal or Blocking of Content**

If material is removed from the HotFile service, or if access to material is disabled, and you believe that (1) the material is not infringing, or (2) that you have the right to use or distribute the material as the copyright owner, the copyright owner's agent or licensee, or pursuant to the law, you may submit a counter-notification to HotFile. Please note that in order to be ensured of receiving notice that material has been removed or access to it has been disabled, you must provide an e-mail address to HotFile when you upload material.

Hotfile must receive any counter-notification within ten business days of giving notice that material has been removed or access to it disabled. If your counter-notification is not received within that time, the material will be permanently disabled.

Please send any counter-notification to HotFile's designated agent, with the following information:

1. Identification of the content 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 was disabled.
2. A statement, under penalty of perjury, that you have a good faith belief that the material was removed or disabled as a result of mistake, or as a result of misidentification of the material to be removed or disabled.
3. Your name, address, telephone number, and, if available, e-mail address.
4. A statement that you consent to the jurisdiction of the Federal District Court in the judicial district in the United States in which your address is located, or if your address is outside the United States, in Northern District of California, and that you will accept service of process from the person who provided notification of the alleged infringement or from an agent of such person.
5. Your physical or electronic signature.

If a proper counter-notification is received by HotFile's designated agent, HotFile may send a copy of the counter-notification to the original complaining party. The counter-notification may be accompanied by notice that HotFile will replace or restore access to the content within 15 days of date the notice is sent, unless a legal action is brought against the member or user who provided the counter-notification, seeking a court order regarding the ownership and/or use of the content, and HotFile is provided with proof of the commencement of the action. If such an action is not commenced and proof of commencement provided to HotFile, then the content that is the subject of the counter-notification will be replaced or access to it restored unless Hotfile determines, in its sole discretion, that doing so would be contrary to Hotfile's Terms of Service, including but not limited to this Intellectual Property Policy.

To submit a counter-notification, [click here](#) to send it to HotFile's designated agent, or send it by postal delivery to:

Constantin Luchian  
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Fort Lauderdale, Florida, 33304  
United States of America

## **HOTFILE TRADEMARK POLICY**

When materials are uploaded to the HotFile service, a URL that links to that material is automatically generated. HotFile does not knowingly incorporate third party trademarks into the URLs generated when material is uploaded. Furthermore, HotFile does not provide an index of materials available through the HotFile service. Therefore, except with respect to any advertising that HotFile may provide pursuant to agreements with advertisers, third party trademarks will not normally appear on Hotfile's website.

If you believe that the HotFile service is being used to distribute products or services using your trademark in a manner that violates your rights as a trademark holder, you may submit a notification to HotFile. Use the process described above for submitting a notification of copyright infringement ("How to Report Infringement"), but specify that your notification pertains to trademark infringement by including the phrase "Trademark Notice" in the subject line of your e-mail message or letter. In addition to the information identifying the trademarked materials and their location, include the following: (1) a statement that you have a good faith belief that use of the material in the manner complained of is not authorized by the trademark owner, the trademark owner's agent, or the law; (2) a statement that you are the owner or are authorized to act on behalf of the owner of the trademark that you believe is being infringed; (3) an assurance that the information being provided is accurate; and (4) your physical or electronic signature.

Following receipt of a proper notification, HotFile will promptly disable access to or remove content that it believes in good faith may infringe the trademark rights of third parties.

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