

Dear ResearchGate Member,

ResearchGate recognizes that sometimes content may be mistakenly identified by a rights owner as infringing their rights. In the event such a mistake occurs, you should first contact the complaining party directly. ResearchGate will allow you to re-upload the content upon receipt of an acknowledgement of the error from the complaining party.

Alternately, if the complaining party does not agree that their request was in error, and you are a US-based user, you may submit the attached Counter Notice Regarding Removed Content to us. The Counter Notice form requests a sworn statement under the penalty of perjury and other information which substantially complies with the requirements of the Digital Millennium Copyright Act, 17 U.S.C. section 512, which states:

To be effective under this subsection, a counter notification must be a written communication provided to the service provider's designated agent that includes substantially the following:

- (A) A physical or electronic signature of the subscriber.
- (B) 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.
- (C) A statement under penalty of perjury that the subscriber 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.
- (D) The subscriber's name, address, and telephone number, and a statement that the subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the address is located, or if the subscriber's address is outside the United States, for any judicial district in which the service provider may be found, and that the subscriber will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent from such person.

We will not be able to consider your Counter Notice unless you fill out the form in its entirety, and physically sign the form. Please make sure that the Counter Notice you send to ResearchGate is legible; if we cannot read your handwriting we will not be able to process your Counter Notice.

Upon receiving the original of your fully completed Counter Notice, ResearchGate will notify the reporting party. If the issue(s) cannot be resolved, ResearchGate will send your Counter Notice to the reporting party. ResearchGate will inform that entity that the listing may be reinstated after 10 business days unless ResearchGate receives notice from the reporting party that it has filed an action seeking a court order to restrain you from re-listing the item(s). Please bear in mind, that if the reporting party disagrees with your Counter Notice, they may have a right to file a legal action against you to prevent the reinstatement of the removed item(s). Alternatively, if they notify us in writing or by e-mail that they no longer object to the item, listing, or material, we will allow you to repost it.

Very truly yours,

The ResearchGate Team

COUNTER NOTICE REGARDING REMOVED LISTING*

I. **Penalty of Perjury Statement.** I CERTIFY UNDER SWORN PENALTY OF PERJURY that I am sending this notification on the basis of my good faith belief that the content referred to below does not infringe the rights of a third party and has been identified by a rights owner or its agent as infringing by mistake or due to misidentification: (List is Below):

II. **Consent to Federal Jurisdiction.** I consent to the jurisdiction of the United States District Court covering the address provided below, or if such address is outside the United States, I consent to jurisdiction of the United States District Court in the district where the service provider may be found.

III. **Consent for Service of Process.** I agree to accept service of process from the rights owner or its agent.

IV. **Contact Information.** I certify that the following contact information is accurate and valid. I acknowledge that ResearchGate will compare the contact information provided herein with my ResearchGate contact information, and false or fraudulent information may result in suspension of my ResearchGate account

V. I understand that my knowing misrepresentation herein that material was removed by mistake or misidentification may make me liable under United States federal law for damages, including costs and attorneys' fees. See 17 U.S.C. section 512.

VI. I understand that if the reporting party disagrees with the Counter Notice it may file a legal action against me.

VII. **Acknowledgement.** I acknowledge that this notice is filed under penalty of perjury. I may be contacted at:

Name:

Street Address** :

City and State:

Zip:

E-mail:

Telephone:

Fax:

Date:

ResearchGate Profile URL:

Signature _____

UNDER SWORN PENALTY OF PERJURY

Send this completed Counter Notice to ResearchGate at copyright@researchgate.net. Attach to this notice any relevant correspondence, including emails, with ResearchGate or the intellectual property owner.

* This Counter Notice complies substantially with the requirements of the Digital Millennium Copyright Act, 17 U.S.C. section 512.

** Please provide the street address at which you reside; a Post Office (P.O.) Box or the like is not sufficient.