

DMCA Policy

Digital Millennium Copyright Act (“DMCA”) POLICY

Notification of Copyright Infringement

HomeAway.com, Inc. on behalf of itself and each of the websites it operates (collectively referred to as “HomeAway”) respects the intellectual property rights of others and expects its users to do the same. HomeAway has and enforces a policy of not permitting users to post any materials that infringe the copyrights of others, and under appropriate circumstances HomeAway will terminate the account of subscribers and account holders who are repeat infringers. Repeat postings of infringing material are cause for termination of service.

In accordance with the Digital Millennium Copyright Act of 1998 (DMCA), the text of which may be found on the U.S. Copyright Office website at <http://www.copyright.gov/legislation/dmca.pdf>, HomeAway will respond expeditiously to claims of copyright infringement committed using the HomeAway website (the “Site”).

To report alleged copyright infringement taking place on or through the Site, please complete a written DMCA Notice of Alleged Infringement (the “Notice”) and deliver it to HomeAway’s Designated Copyright Agent. Upon receipt of a Notice, HomeAway will take whatever action, in its sole discretion, it deems appropriate, including removal of the challenged material from the Site and/or termination of the HomeAway user’s account in appropriate circumstances. Please note that a Complainant may be liable for damages (including costs and attorneys’ fees) if he or she knowingly makes a material misrepresentation that content is infringing.

DMCA NOTICE OF ALLEGED INFRINGEMENT

Please include in the Notice:

- (1) 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 at that site.
- (2) 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 HomeAway to locate the material.
- (3) Information reasonably sufficient to permit HomeAway to contact you, such as an address, telephone number, and, if available, an electronic mail address at which you may be contacted.
- (4) The following statement and representation (to repeat verbatim): *I have 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.*
- (5) The following statement and representation (to repeat verbatim): *The information in this Notice is accurate, and under penalty of perjury, that (choose one) (i) I am the owner or (ii) I am authorized to act on behalf of the owner, of an exclusive right that is allegedly infringed.*
- (6) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Deliver the Notice to HomeAway's Designated Copyright Agent:

Michael R. Graham c/o Expedia, Inc. Legal Department – Copyrights 333 108th Avenue NE
Bellevue, Washington 98004 HA-Copyright@expedia.com 425-679-7200

Counter Notices

If you have posted material subject to a DMCA Notice that allegedly infringes a copyright (the "Counterclaimant"), you may send HomeAway a written Counter Notice pursuant to Section 512(g)(2) and 512(g)(3) of the DMCA. When HomeAway receives a Counter Notice, it may, in its discretion, reinstate the material in question not less than ten (10) nor more than fourteen (14) days after receiving the Counter Notice unless HomeAway first receives notice from the Claimant that he or she has filed a legal action to restrain the allegedly infringing activity. Please note that HomeAway will send a copy of the Counter Notice to the address provided by the Claimant. A Counterclaimant may be liable for damages (including costs and attorneys' fees) if he or she knowingly makes a material misrepresentation that that material or activity was removed or disabled by mistake or misidentification.

DMCA COUNTER NOTICE OF ALLEGED INFRINGEMENT

Please include in the Counter Notice:

- (1) 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.
- (2) The following statement and representation (to repeat verbatim): *I have 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.*
- (3) Your name, address, and telephone number, and the following statement and representation (to repeat verbatim): *I consent to the jurisdiction of Federal District Court for the judicial district in which the address is located, or if your address is outside of the United States, for any judicial district in which HomeAway may be found, and I will accept service of process from the person who provided Notice under subsection (c)(1)(C) of the DMCA or an agent of such person.*
- (4) Your physical or electronic signature.

Deliver this Counter Notice to HomeAway's Designated Copyright Agent:

Michael R. Graham c/o Expedia, Inc. Legal Department – Copyrights 333 108th Avenue NE
Bellevue, Washington 98004 HA-Copyright@expedia.com 425-679-7200

HomeAway HAS NO OBLIGATION TO ADJUDICATE CLAIMS OF INFRINGEMENT – USER'S AGREEMENT TO HOLD HomeAway HARMLESS FROM CLAIMS. Claimants, Counterclaimants, and users understand that HomeAway is not an intellectual property tribunal. While HomeAway may, in its discretion, use the information provided in a DMCA Notice and Counter Notice in order to

decide how to respond to infringement claims, HomeAway is not responsible for determining the merits of such claims. If a Counterclaimant responds to a claim of infringement by providing a Counter Notice, the Counterclaimant agrees that if HomeAway restores or maintains the content, the Counterclaimant will defend and hold HomeAway harmless from any resulting claims of infringement against HomeAway.

Last updated: September 1, 2017