

## INTELLECTUAL PROPERTY CLAIMS

**Merciful Group** respects the intellectual property rights of everyone, and cannot tolerate a violation of anyone's rights on our website (<https://mercifulgroup.org/>) or App (Merciful Group). Merciful Group provides a process for submission of complaints concerning content hosted on Merciful Group.

Please note that any notice or counter-notice you submit must be truthful and must be submitted under penalty of perjury. A false notice or counter-notice may give rise to personal liability. You may therefore want to seek the advice of legal counsel before submitting a notice or a counter-notice.

### A. COPYRIGHT INFRINGEMENT

#### **Whom you can file a claim regarding a copyright infringement to?**

All claims alleging copyright infringement for material that you believe to be residing on our website, should be promptly sent in the form of written notice to our **Copyright Agent**:

#### **Copyright Agent for Copyright claim notices:-**

- **Name:** Rabih Chamma
- **Designation:** Admin Support
- **Email:** [info@mercifulgroup.org](mailto:info@mercifulgroup.org)
- **Address:** 248 The Boulevard, Punchbowl, NSW - 2196

#### **How can you file a claim regarding a copyright infringement?**

Valid claim must be a written communication that includes all of the following elements:

- Signature of copyright owner or person authorized to act on behalf of the owner;
- Identification of copyrighted work claimed to be infringed;
- Identification of the material claimed to be infringing or to be the subject of infringing activity and information reasonably sufficient to permit us to locate the material;

- Information reasonably sufficient to permit us to contact the complaining party (address, phone number and, if available, email address);
- A statement that the complaining party has a good faith belief that use of the material in the manner complained is not authorized by the copyright owner, its agent, or the law; and
- A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of the exclusive right allegedly being infringed.

Please note, there are substantial penalties for false claims, and we can also disable your accounts. We reserve the right to accept or reject your claim, at our sole judgment and discretion.

#### **How to file a counterclaim against a copyright infringement claim?**

If a notice of alleged copyright infringement has been wrongly filed against you, you may submit a counter-claim to our Copyright Agent. A valid counterclaim must be a written communication that includes all of the following elements:

- A physical or electronic signature;
- 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;
- 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 misidentification; and
- Your name, address, and telephone number

Upon receipt of a valid counterclaim, we may forward it to the original complainant who submitted the claim alleging copyright infringement. We reserve the right to accept or reject your counterclaim, at our sole judgment and discretion.

## **B. TRADEMARK INFRINGEMENT**

If you believe any of the content hosted on our platform violates your trademark, you should follow the process below. Merciful Group looks into reported violations and removes or disables content shown to be violating third party trademark rights.

In order to allow us to review your report promptly and effectively, a trademark infringement notice ("TM Notice") should include the following:

- Identification of your trademark and the goods/services for which you claim trademark rights
- Your trademark registration certificate and a printout from the pertinent country's trademark office records showing current status and title of the registration. Alternatively, a statement that your mark is unregistered, together with a court ruling confirming your rights
- A short description of how our user(s) allegedly infringe(s) your trademark(s)
- Clear reference to the materials you allege are infringing and which you are requesting to be removed, *for example, the URL, etc.*
- Your complete name, address, email address, and telephone number.
- 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, its agent, or the law.
- A statement made under penalty of perjury that the information provided in the notice is accurate and that you are the trademark or are authorized to make the complaint on behalf of the trademark owner
- Your electronic or physical signature

## WHERE TO SEND?

You can send your **TM Notice** to:

**Email:** You can submit the TM Notice electronically to [info@mercifulgroup.org](mailto:info@mercifulgroup.org)

Please note that we will provide the user who is allegedly infringing your trademark with information about the TM Notice and allow them to respond. In cases where sufficient proof of infringement is provided, we may remove or suspend the reported materials prior to receiving the user's response. In cases where the allegedly infringing user provides us with information indicating that it is permitted to post the allegedly infringing material, we may notify you and then replace the removed or disabled material. In all such cases, we will act in accordance with the applicable law.

## FALSE CLAIM

You could be liable for the punishment for perjury or such other legal recourse if you make a false claim alleging trademark infringement.

### **C. OUR INTELLECTUAL PROPERTY RIGHTS**

Our Website, App, domain, logos, Merciful Group Content, designs, trademarks, trade dress, trade name, all of our features, functionalities and services, shall remain the sole property of Merciful Group, and/or its licensors, as the case may be. Your use of or access to our Site or App or availing of our services shall not in any way transfer or assign to you any ownership or other proprietary rights in or to this Site, App, our services, any content (*except your own content*), designs, published by us or our licensors or third parties. This Platform and the content, including but not limited to the trademark, logo, copyright, design, layout, typography, underlying HTML, Java scripts, text, audio clips, video clips and graphics, and in the expression of the information contained herein, whether as a compilation or otherwise is protected by relevant Intellectual Property laws, rules and regulations. Trademarks, trade names and designs appearing on this Site/App are the exclusive property of, or are licensed to the Merciful Group and are protected under applicable law. **No use of a trademark, trade dress, trade name, content, design, domain appearing on our website or App may be made without the prior written permission of Merciful Group.**

**Last Updated:** October 03, 2022