

Layar Notice and Takedown Code

1. INTRODUCTION

Layar (Layar B.V., Vijzelstraat 20, 1017 HK Amsterdam, The Netherlands) is in favour of a safe and responsible use of the (mobile) Internet. Therefore, Layar would like to make you aware of the following characteristics of Layar's business:

- (a) The accessibility and openness of the (mobile) Internet can be unlawfully used by others thus damaging your or third party rights;
- (b) The third party content and functionalities ("**Third Party Content**"), which you can access by means of Layar's augmented reality browser ("**Reality Browser**"), are provided to you by third parties (also referred to as: "**Publishers**"). Layar merely provides the underlying infrastructure for your access to the Third Party Content. Layar has no influence on the information contained in the Third Party Content;
- (c) The Layar websites might also contain Third Party Content as defined above.

Further to Layar's point of view towards a safe and responsible use of the (mobile) Internet, Layar encourages you to report the alleged unlawful use of the Layar websites and Layar's Reality Browser. To this extent, Layar adheres to the principles of the Dutch Notice-and-Takedown Code of Conduct (see: www.samentegencybercrime.nl), which is an initiative of the Dutch government and the business community to combat illegal content.

Please note that we have adapted the Dutch Notice-and-Takedown Code of Conduct to Layar's specific situation, resulting in the Layar Notice and Takedown Code. In order to deal with the reports in an efficient, transparent and proper way, Layar uses this code, specifying the procedure to be followed by you to report unlawful information.

This code applies to information on the Layar websites and/or within the Reality Browser. It will be up to Layar to decide how to deal with the reported alleged unlawful information. This code does not create any obligations that can be legally enforced against Layar.

2. SCOPE

This code establishes a transparent procedure for Layar to deal with reports of unlawful or otherwise illegal or harmful content on the Layar websites and/or within the Reality Browser, so that you will know what you can expect from Layar in combating such content.

3. HOW CAN YOU REPORT UNLAWFUL CONTENT AND WHAT CRITERIA SHOULD YOUR REPORT MEET?

Layar can only assess your report if it relates to specific alleged unlawful information published by a Publisher on the Layar websites and/or within the Reality Browser and if the report meets the requirements set forth by this code.

Before you produce a report, you must address the Publisher directly. A report can only be issued, once we establish it is likely that the Publisher and you will be unable to reach an agreement on the removal or modification of the unlawful content.

You can send your report by email to: abuse@layar.com.

You are responsible for ensuring that your report is unambiguous, correct, complete and well substantiated.

Layar must be able to verify that reports as part of an investigation regarding a criminal offence have originated from an Inspection or Investigation Service, or – in the case of a formal legal order – from the Public Prosecutor’s Office.

Your Report should at least contain the following information:

- (a) Your contact details;
- (b) A description of the unlawful content and a statement of the reasons why the Third Party Content is unlawful, illegal or otherwise harmful, in your opinion;
- (c) The information that Layar needs to be able to find and evaluate the Third Party Content, at least including the location (URL);
- (d) A statement of the reason why Layar is being approached as the most appropriate intermediary to deal with the matter;
- (e) Proof of failed attempts undertaken by you to contact the Publisher and result of these attempts, e.g. emails;
- (f) An explicit indemnification from you for the benefit of Layar, its contractors, its licensors and their respective directors, officers, employees and agents against any claims from the Publisher or other third parties as a result of measures taken by or on behalf of Layar in the context of dealing with the report;
- (g) If the report regards an alleged infringement of an intellectual property right, like a copyright or trademark, you will have to prove that you are the rightful owner or holder of these rights or that you are entitled to act on behalf of the aforementioned party. In the event of the latter, you will have to provide the identity and contact details of the owner or holder of these rights;
- (h) Any other information necessary to assess the report.

4. HOW WILL YOUR REPORT BE PROCESSED?

Once you have provided Layar all the information required in section 3, Layar will process your report.

Layar will assess your report on the basis of applicable law, regulations or case law as well as the Layar’s Terms and Conditions for Users. If the report concerns a formal legal order from the competent Public Prosecutor’s Office regarding criminal Third Party Content, Layar shall not make an assessment, since this has been made by the competent Public Prosecutor’s Office.

Layar strives to make a decision as soon as possible, but in any event within 30 days after receipt of the report. If this is reasonably not possible, Layar will inform you shortly on the reasons for the delay and the term in which you can expect a decision.

5. MEASURES TO BE TAKEN

Layar will take action on the basis of the results of its assessment.

In the event that Layar determines that the third party content concerned is not unequivocally unlawful, Layar will inform you accordingly, together with the reasons for this where necessary.

In the event that Layar determines that the Third Party Content concerned is unequivocally unlawful, illegal or harmful, Layar may request the third party to remove the content or Layar may instantly block or remove the content by itself.

In the event that it has not been possible to come to an unequivocal judgement as to whether the Third Party Content concerned is unlawful, Layar informs the Publisher about the report with the request to remove the Third Party Content or to contact you. Should the Publisher be unwilling to make him or herself known to you, Layar can decide to provide you with the Publisher's identity and contact details.

6. OBJECTION PROCEDURE

If you do not agree with the decision of Layar following your report, you can appeal the decision. Your appeal has to be sent by email and must be received by Layar within seven days after the date of decision.

You can send your appeal by email to: legal@layar.com.

Layar will acknowledge receipt of your appeal within two (2) working days.

You are responsible for ensuring that your appeal is unambiguous and complete. Furthermore, it must specify the reasons for your objections.

Layar will aim to decide within fourteen (14) days after the acknowledgement of receipt of your appeal. If this is reasonably not attainable, Layar will inform you shortly on the reasons for the delay and the term in which you can expect a decision.

7. FINAL PROVISIONS

Layar assesses your report pursuant to Dutch Law.

Layar and you can agree to make use of (shortened) procedures that differ from or that are supplementary to this code.

This code is part of and subject to the Layar Terms & Conditions of Use ("**T&C**"). We reserve the right to change this code at any time. New versions of the code will be made available through layar.com/legal. Should any new version of the code contradict with this version of the code, then the new version shall prevail.