

COPYRIGHT POLICY

Version 1.0

Last revised on: June, 2022

This document is an integral part of Terms of Use.

Concerning your rights and the rights of any creator contributing to MNTR or working outside our platform, we kindly ask you to read the following explanations why copyright is important, and how MNTR manages it.

After reading this document, we expect you will understand what copyright is about. We hope you will respect third party rights and support the community of creators worldwide.

We want to emphasize that this document is not legal advice or legal opinion, or professional advice. This document is not a substitute for an attorney (lawyer). If you need legal advice, you should seek the services of a qualified attorney (lawyer) in your country or the country where the infringement occurred.

What copyright stands for? – Copyright stands for free of creativity with few restrictions for supporting intellectual rights of each other. Copyright gives the authors rights to use their works, make copies of their works, or create new works based on existing ones and allow or prohibit third parties to do so. Primarily, no one can use an author's work without strict permission. However, if you want to know about exceptions from this restriction (e.g. fair use) you better address your concerns to the qualified attorney (lawyer).

Example: If you create artwork while using MNTR, you automatically allow MNTR to display your artwork on our Website because you have agreed with the Terms of use. However, no other users nor third parties outside MNTR do not have rights to use your artwork in commercial purpose. Non-commercial use also could be an infringement.

Which works are copyrighted? – Any work is copyrighted if it's creative, original, and did not fall into the public domain. To ensure the work fell into the public domain you have to check the date of creation of the work if the author is dead or alive and local copyright regulation. We encourage you to address your concerns to a qualified attorney (lawyer).

Work is not required to have a copyright notice to be protectable. Publicly available works are not free to use if it's not stated clearly by the authors, please read attached licenses (e.g., Creative Commons) carefully to understand the permission they provide.

How do you get copyright? – You meet copyright in any creative, original work the moment you make it. "Original work" means you did not copy the work of a third party. Your work is considered "creative" unless otherwise is not proven in court. Copyright does not protect ideas and concepts but expressions of the ideas and concepts.

Example: Artists do not own sunsets, trees, nature, portraits, and other things (or people) which they are drawing. Two different artists will create various works exploiting the same idea. It is not an infringement. However, if one author created the work and another one decides to recreate it – this is probably an infringement.

Please be aware that certain jurisdictions may require registering your work to execute certain rights, for example, initiate a court proceeding. If you need legal advice, you should seek the services of a qualified attorney (lawyer).

We acknowledge every image (User Content) you may upload using our Website. However, we warn you not to use the Website to collect, upload, transmit, display, or distribute any User Content that:

- (i) violates any third-party right, including any copyright, trademark, patent, trade secret, moral right, privacy right, right of publicity, or any other intellectual property or proprietary right;
- (ii) is unlawful, harassing, abusive, tortious, threatening, harmful, invasive of another's privacy, vulgar, defamatory, false, intentionally misleading, trade libelous, pornographic, obscene, patently offensive, promotes racism, bigotry, hatred, or physical harm of any kind against any group or individual or is otherwise objectionable;
- (iii) is harmful to minors in any way; or
- (iv) violates any law, regulation, or obligations or restrictions imposed by any third party;
- (v) engages in any lottery, bidding fee auctions, contests, sweepstakes, or other games of chance.

We have the right to suspend or terminate your rights to use the Website and the Mobile App if we know that your User Content includes the aforementioned.

How can you avoid copyright infringement? – Only authors (and right holders) may allow or prohibit to use of their works. In other words, if you do not get permission to use the work – you probably committed a copyright infringement.

By “use” we understand:

- (a) posting someone else's work on The Website
- (b) adapting someone else's work (e.g. from photo to illustration)
- (c) modifying/editing someone else's work

It does not matter:

- (a) how much of the “original work” you have used,
- (b) whether or not you have credited the author,
- (c) if you are making a profit or use the work in a non-commercial manner,
- (d) if other people using works without permission,
- (e) how many alterations did you do if it is still a recognizable piece of work -

**IT IS STILL MAY BE CONSIDERED AS AN INFRINGEMENT WITHOUT THE ARTIST'S
PERMISSION FOR USE**

If you have any concerns or need legal advice, you should seek the services of a qualified attorney (lawyer).

Example: If you found a photo on the internet and you want to upload it on MNTR, you must receive permission from the author of that photo, otherwise, publishing this artwork is a copyright infringement. However, you can always use your photos and videos.

We also beware you do not forget about the right of publicity (personality rights) - the right of an individual to control the use of one's image, identity, likeness (appearance).

What is “Fair Use”? – There are limited ways of using a copyrighted work without being considered as an infringement, such as parody, comments, educational purposes, etc. However, it is a complex legal notion, which requires expert advice from a lawyer. Unless you are 100% sure that your work is fair use, you should seek the services of a qualified attorney (lawyer).

Infringements of the rights (copyright, right of appearance and etc.) –

We respect the intellectual property of others and asks that users of our Website do the same. In connection with our Website, we have adopted and implemented this policy respecting copyright law that provides for the removal of any infringing materials and the termination, in appropriate circumstances, of users of our Website, who repeat infringers of intellectual property rights, including copyrights.

If you believe that one of our users is, through the use of our Website, unlawfully infringing the copyright(s) in a artwork, and wish to have the allegedly infringing material removed, the following information takedown notice in the form of a written notification (under 17 U.S.C. § 512(c)) must be provided to MNTR.

What is a DMCA takedown notice?

- (a) a takedown-notice procedure, which allows the right owners to request removing the content from the Website;
- (b) a counter-notice procedure, which allows users to restore content on the Website.

How does a DMCA takedown work?

- (1) The right owners found content that infringes their exclusive right to a work.
- (2) The right owner sends a takedown notice to MNTR. If a takedown notice satisfies the requirements of the DMCA, MNTR sends the notice to the user and disable access to the content in question for the period of the dispute.
- (3) The User may file a counter-notice if the content was erroneously disabled. If a counter-notice satisfies the requirements of the DMCA, MNTR sends the counter-notice back to the right owner.
- (4) After receiving a counter-notice but no less than 10 business days and no more than 14 business days the right owner must notify MNTR that they have filed a claim against the user before the court. If the right owner does not meet this requirement, MNTR restores access to the content in question.

By accepting the Terms of use you should know that MNTR is not responsible for the images you submit and cannot be liable for your unlawful actions if you decided to use someone else's

work. Removing infringing artwork is a legal obligation and MNTR has to fulfill it immediately. MNTR will not inform you before removing and cannot allow you to change such artwork. No compensation will be paid.

If you repeatedly posting (more than 3 times) infringing artworks, we may suspend or terminate your rights to use the Website. Please read the Section 11 of the Terms of use.

The authors of the original works may also sue you directly if you infringe their copyright. MNTR will not and should nor protect you or be jointly liable for your actions.

You may send takedown notice or counter notice via email. If you choose to send mail or e-mail your message should contain:

- (1) Your name and surname, address, telephone, and e-mail,
- (2) The proof of authorship and identification of the copyrighted work,
- (3) Identification of the infringing work, screenshot, and link (URL),
- (4) Your physical or electronic signature,
- (5) A statement that you have a good faith belief that use of the work is not authorized by the author,
- (6) If you are acting on behalf of an author – your power of attorney.

Please note that pursuant to 17 U.S.C. § 512(f), any misrepresentation of material fact (falsities) in a written notification automatically subjects the complaining party to liability for any damages, costs and attorney's fees incurred by us in connection with the written notification and allegation of copyright infringement.

Contact information:

a@mntr.io