

# Takedown Policy

This website/mobile application (Platform) operated by Image advertising serviceLLP (“Image”), and all rights related to the Platform vest in Image. These Guidelines deal with the reporting, investigation and resolution of any complaint or grievance against any advertisement, article, news, user generated content or any other content displayed or broadcasted on the mobile application titled Image advertising serviceLLP or website, Image advertising serviceLLP.in (“Image advertising serviceLLP” or “Platform”). These Guidelines also provide instructions regarding the filing of the complaint form These Guidelines are provided to help the person filing the complaint (“you”) understand how to file a complaint against any content or advertisement displayed on the Platform, how your complaint will be dealt with by Image and the legal requirements related to the content and advertisement displayed on the Platform. For the purpose of these Guidelines, any reference to Image includes its subsidiaries, parent entities and sister concerns.

If you are unable to fill the form, you may send an email with all the necessary information to [info@imageservices.in](mailto:info@imageservices.in), with the subject “Takedown Request”. You may also send complaints/notices by post with all the necessary information to the following address:

Content Grievance Officer,

Mr. Vicky Singh

Email:[info@imageservices.in](mailto:info@imageservices.in)

Image advertising service LLP

301,Gajanan Apartment, Near Maruti Mandir, Diva Station Road, Diva West, Thane – 400612, Maharashtra , India

Any and all complaints launched by you, either via complaint form, email or post, are investigated and dealt with in accordance with these Guidelines. Any legal notice or any other legal action initiated against Image or against any content displayed/broadcast on the Platform is not subject to any terms of these Guidelines.

For the purpose of these Guidelines, ‘content’ or ‘article’ shall mean any and all articles, news, videos, images, user generated content, sponsored content or any other content displayed, broadcast or communicated to public on the Platform or any part thereof.

For the purpose of these Guidelines, ‘advertisement’ shall mean any endorsement, advertisement or promotional material displayed or broadcast on the Platform or any part thereof.

Image reserves the right to amend these Guidelines at any time at its own discretion and hence, you are requested to read these Guidelines very carefully each time before filing/sending any complaint against any content or advertisement to Image.

## Who can file a complaint?

Any person/entity who is aggrieved by the content or advertisement published on the Platform may file a complaint against such content or advertisement. The legal heir, agent or attorney of the aggrieved person/entity may also file a complaint against such content or article. If the complaint does not fall under the ambit of a crime, then an unrelated person/entity, who has no interest in or is not aggrieved by the content or the advertisement cannot file a valid complaint against the content or the advertisement.

If you are an agent or attorney of the aggrieved party, then you are required to submit documentary proof, establishing your right to file a complaint on behalf of the aggrieved party.

## What information needs to be provided in the complaint?

If you are filing a complaint against content, you are required to provide the following information:

- Your interest in filing a complaint
- Nature of the Complaint
- Details of the content/advertisement against which the complaint is filed (title/date of publication/publisher/link to the content)
- Relation of the aggrieved party with the content/advertisement
- Accurate facts about how the grievance is caused
- Remedies you are seeking
- Details of the complaint (explanation of the grievance)
- Details of the person filing the complaint (you)
- Details of the Aggrieved party
- Communication Details
- Documentary proof, if applicable (discussed below)

Irrespective of whether you file a complaint via complaint form or via email, you must ensure that all the information, as stated above, is contained in the complaint. If any of the required information is missing from the complaint, the complaint will be treated as incomplete and Image may not consider or take any action based on the complaint.

## What does 'nature of the complaint' mean and why it is relevant?

Information regarding the 'Nature of the complaint' helps Image categorize the complaint based on the legal provisions governing the subject matter of the complaint. Based on your grievance against any content or advertisement published on the

Platform, Image has provided various options which might specify nature of the complaint. Following is the brief description of each of the category provided in the form:

**Copyright infringement:** Any content/advertisement violates copyright, performer's rights or publicity rights of the aggrieved party. This includes display of content created/owned by the aggrieved party without its permission.

**Trademark infringement:** Any content/advertisement violates aggrieved party's trademark rights or illegally uses/displays any word, logo or any other representation which is protected under trademark laws.

**Invasion of Privacy:** Any content/advertisement contains any information, image, text or any other content which is private or otherwise violates privacy rights of any third party.

**Defamation:** Any content/advertisement contains any information which is false and 1) harms the reputation or public image of the aggrieved party or 2) otherwise has an adverse effect on how the aggrieved party is perceived by people in general.

**False/misleading:** Any content/advertisement is false or incomplete and misleads people into believing something incorrect, or wrongfully changes the perspective of people about an entity, event or thing.

**Obscene/scandalous content:** Any content/advertisement contains any image, text, video, audio or any other representation is repulsive, offensive to modesty, indecent, lewd or immoral and is likely to deprave or corrupt the mind of the viewer.

**Content hurts religious sentiment or incites violence:** Any article/advertisement contains any image, text or any other content hurts religious beliefs or sentiments of aggrieved party or directly incites or induces violent behaviour among people.  
Content/advertisement containing hate speech, content inciting rebellion against the government or any religion or religious organisation can also be reported under this category.

Apart from all these categories, there is an open category, by the title "Otherwise illegal", provided in the complaint form. If the issue raised in the complaint does not fit under any of the abovementioned categories then you may select this as the nature of the complaint and can separately specify the issue raised in brief.

You can select only one of the categories. If the grievance falls under more than one of the abovementioned categories then you may raise a separate complaint for each category of the grievance and provide specific description of the facts and grievance, along with all the necessary documents required for proving the grievance. If you raise more than one complaint against a single content/advertisement, you are required to mention the complaint ID of all your previous complaints in all subsequent complaints regarding the same content, in order to enable effective handling of the grievance.

## How to find the publisher of the Article?

Publisher of the article is provided on the platform along with the article itself. If you are viewing the article on Image advertising serviceLLP mobile app, then you may find the publisher of the article at the start of the article. If you are viewing the article on [www.imageservices.in](http://www.imageservices.in) then you may find the publisher of the article at the top-right corner of the article page.

## How to find the link to the Article?

If you are viewing the article on Image advertising serviceLLP mobile application, then click on “Share” option and copy the link provided when you share the article. If you are viewing the article on [www.imageservices.in](http://www.imageservices.in) then the complete link of the webpage containing the article is the link to the article.

## What documentary evidence is required along with the complaint?

Depending on the nature of the complaint and grievance, documentary proof may vary. Following are some illustrations of the documentary proof which may be relevant for different nature of the complaint:

Copyright infringement: Proof of rights of the aggrieved party and proof of infringement.

Trademark infringement: Trademark registration certificate, proof of infringement.

Untrue or misleading article: proof that the article is untrue or misleading, copy of the true statement and proof of how you or your principal/client is aggrieved by the publication.

Violation of Privacy: proof that the content of the article or the advertisement is private or otherwise violates privacy rights.

Defamatory article: proof establishing that the article is untrue and proof of how you or your principal/client is aggrieved by the publication.

If you are the agent or attorney of the aggrieved party, then you are required to attach a power of attorney or authorisation letter, establishing your right to file a complaint on behalf of the aggrieved party, along with the complaint.

## What happens if the information provided in the complaint is incomplete or untrue?

Being a law-abiding entity, Image considers and investigates each complaint filed against any content or advertisement published on the Platform. Although Image also conducts an internal investigation if required, its primary source of information while dealing with any grievance is the information provided in the complaint. Based on the

information provided in the complaint, Image determines the nature of the complaint, the rights/laws violated by the content/advertisement in question, the parties involved in the matter and other relevant information required for addressing the issue raised in the complaint.

How can Image help in addressing the grievance?

Being a mere technology provider and an intermediary under Information Technology Act, 2000, Image is obligated to take down the content or advertisement from the Platform, if 1) it receives a complaint, along with all the necessary documents, prima facie and clearly establishing that the content or advertisement on the Platform is violating the rights of any third party or 2) it receives an order directing takedown from the appropriate authority under law.

In accordance with the law, Image may also provide you with details of the publisher of the content which might help you communicate with the publisher directly and settle your grievance.

Image's process of investigating and addressing the complaints against any article or advertisement is in accordance with Information Technology Act, 2000, Information Technology (Intermediary Guidelines) Rules, 2011 and all other laws in force in India. Nothing under any law imposes an obligation on Image to investigate the matter beyond what is provided in the complaint and any investigation conducted or action taken by Image, is at its sole discretion, and Image is not required to communicate the same to you or to any other party.

Is Image responsible for publication of content or advertisement on its Platform?

No, Image is merely an intermediary, which provides a platform to various third-party content providers for publication of their content to end users, including you. Image is not at all involved in authoring or publishing any content or advertisement on the Platform.

According to Section 79 of Information Technology Act, 2000, Image is not responsible for any content or any part thereof published on the Platform. Image's liability toward any content published on the Platform is limited to taking down the content from the Platform if 1) it receives a complaint, along with all the necessary proof, prima facie and clearly establishing that the content is violating rights of third party or 2) it receives an order of takedown from the appropriate authority under law.

As Image is not involved in authoring or publishing any content on the Platform, it is not obligated to pay any damages or costs to any aggrieved party for any content or part thereof violating their rights. Being an intermediary, Image is not subject to any civil suit for violation of any rights by any content or part thereof infringing rights of any third party.

## How does Image ensure the legality of the content and advertisements on the Platform?

As explained above, Image is merely an intermediary which provides a platform to various third-parties to display their content. Image has agreements with these third-party content providers who upload the content which is displayed on the Platform. In their agreements with Image, these content providers have represented that their content or any part thereof uploaded on the Platform does not violate any law or any third-party rights. More specifically, the content providers have represented the following:

- They are authorised to upload the content on the Platform,
- The content does not violate any third-party rights, including copyright, trademark rights, privacy rights, publicity rights or other legal rights,
- The content is not in manner defamatory, obscene, libellous, vulgar, unethical or otherwise illegal,
- The content does not in any manner promote or incite violence, rebellion against the government, or hatred; or hurt any religious sentiments or endorse the use or distribution of any banned substance, product or services.

Image also has its own policies and agreements which govern the use of its Platform. These agreements and policies are binding on users, and have been formulated to ensure that the use of the Platform does not violate any law. By using the Platform, users agree to not upload any content (including text, images, videos, comments, etc) which violate any law or Image's terms of use.

Being an intermediary, Image is not required to monitor the content on its Platform. Image is only required to take action against any content/advertisement only when it receives an order from the appropriate authority or a complete complaint establishing a prima facie case. However, Image reserves the right to take down any content if it determines, at its sole discretion, that such content violates any law or the terms of its platform.

## How does Image deal with the complaint filed against any content or advertisement?

Image has competent legal and publisher management teams which deal with all the complaints filed against any content or advertisement published on the Platform. These teams investigate the matter on both factual and legal grounds based on their internal research and the content and evidence provided by you. If required, the complaint and all other necessary documents are sent to the publisher of the content in question to determine the necessary action. Based in the content of the complaint, evidence provided, internal research, legal provisions and response from the publisher, these teams evaluate the complaint and grievance, and decide which remedies can be provided to you or the aggrieved party.

Does Image provide the details of the steps undertaken by it while dealing with the complaint?

The complaint goes through a complicated scrutinization process, which is strictly confidential in nature. Unless required by law or appropriate judicial/quasi-judicial authority, Image may not disclose the steps undertaken by Image while dealing with a particular complaint.

Is Image obligated to respond to all the complaints filed?

Image considers all the complaints filed against any/all the content or advertisements published on the Platform based on various facts, including, but not limited to, information provided in the complaint, nature of the complaint, documentary proofs provided, legal validity of the complaint and grievance in the complaint. Based on these factors, Image may or may not send a response to you or take any action based on the complaint. Image is not obligated to respond to or take action based on every complaint filed against the content or advertisement published on the Platform.

What happens if you file a false or frivolous complaint?

If you provide false information in the complaint, then Image will be unable to gather all the necessary information or address your complaint. If you try to mislead Image by providing false or misleading information in the complaint, Image may take strict legal action against you in order to safeguard its legal rights and integrity of the Platform. Please note that you may be liable for damages (including costs and attorneys' fees) if you file false and frivolous complaints, as Image expends considerable resources in reviewing complaints.

What steps can you take if the complaint is not addressed to your satisfaction by Image?

Image has limited power while dealing with the content or advertisement published on the Platform. If the steps taken by Image do not address your concerns to your satisfaction, then you may directly deal with the publisher of the content or file another complaint with Image, properly and more clearly stating the facts and grievance, along with all the documentary proof required to establish the content of your complaint and justify the remedies you have sought.

Are these Guidelines binding on you?

These guidelines have been created to help you file a complaint with Image against any content or advertisement published on the Platform. These Guidelines elaborate on the legal provisions dealing with or relevant to the complaint filed. Nothing mentioned in these Guidelines falls outside the scope of the law and hence, irrespective of whether these Guidelines are binding, you will be bound by the relevant legal provisions.

What action can Image take against content regarding which you have filed a complaint?

As an intermediary, Image cannot edit or alter the content or any part thereof on its own or pursuant to a complaint received by it. Image may replace content with altered content provided by the publisher, on the instruction of the publisher. However, Image is permitted to take down the content entirely, in certain situations.

Image is required to take down the content in the following cases:

- Image has received an order to this effect from the appropriate judicial or quasi-judicial authority,
- There is a legal provision requiring Image to remove certain content,
- The publisher of the content in question takes down the content from its own platform and communicates the same to Image, either on its own or following the receipt of a complaint.

Image may take down the content in the following cases:

- It receives a complete and properly substantiated complaint with a prima facie case,
- Image, at its sole discretion, determines that the content violates any law or the terms of its platform.