

Upwork Global Inc. (“Upwork”, “our”, “us” or “we”) provides these Proprietary Rights Infringement Reporting Procedures (these “Procedures”) to inform you of our policies and procedures regarding claims of infringement of proprietary rights by third parties on our website located at www.upwork.com. These Procedures may be updated from time to time. We will notify you of any material changes by posting the new Procedures on the Site. You are advised to consult these Procedures regularly for any changes.

If you are a proprietary rights owner and you believe someone is using Upwork to infringe your proprietary rights, you may provide Upwork with the notice described below (the “Notice”) to Upwork’s Legal Department by email to legalnotices@upwork.com or by mail to Attn: Legal Department, 2625 Augustine Drive, Suite 601, Santa Clara, CA 95054, USA. The Notice fulfills the requirements of the United States Digital Millennium Copyright Act, 17 U.S.C. Section 512(c) (3) (“DMCA”). The Legal Department is Upwork’s designated agent under the DMCA.

In response to your Notice, Upwork may remove or disable access to the allegedly infringing material, and take such other actions we deem appropriate in our sole discretion. Please bear in mind that you may be liable for damages (including costs and attorneys’ fees) if you materially misrepresent that material is infringing. If we remove or disable access, we will attempt to contact the poster of the allegedly infringing material so that the poster may provide a counter notification (the “Counter Notice”) as described below.

Please include the following items in your Notice, and number them as follows:

1. Identify the proprietary rights that you claim are infringed. For example, identify your trademark or quote your copyrighted material. Provide a URL or link to where the material is located, if possible.
2. Identify the website, webpage, posting, profile, feedback, or other material that you claim infringes your proprietary rights. Provide information reasonably sufficient to enable us to locate it.
3. Identify yourself by name. Provide your address, telephone number, and email address.
4. Provide contact information for the owner or administrator of the allegedly infringing material, if possible.
5. Include the following statement: “I have a good faith belief that use of the material in the manner described is not authorized by the owner of the exclusive proprietary right, its agent, or the law.”
6. Include the following statement: “The information in this notice is accurate.”
7. Include the following statement: “I swear, under penalty of perjury, that I am authorized to act on behalf of the owner of the exclusive proprietary right that is allegedly infringed.”
8. Sign and date the Notice.

The owner or administrator of the allegedly infringing material may provide Upwork with a Counter Notice by email to legalnotices@upwork.com or by postal mail to Attn: Legal Department, 2625 Augustine Drive, Suite 601, Santa Clara, CA 95054, USA. The Counter Notice fulfills the requirements of the United States Digital Millennium Copyright Act, 17 USC Section 512(g)(3).

In response to a Counter Notice, Upwork may reinstate the allegedly infringing material. Please bear in mind that you may be liable for damages (including costs and attorneys’ fees) if you materially misrepresent that material is not infringing the proprietary rights of others.

Please include the following items in your Counter Notice, and number them as follows:

1. Identify the website, webpage, posting, profile, feedback, or other material that Upwork has removed or to which Upwork has disabled access. Identify the location at which the material appeared before it was removed or access to it was disabled.
2. Identify yourself by name. Provide your address, telephone number, and an email address where we can contact you.
3. Include a statement that you consent to the jurisdiction of the Federal District Court for the judicial district in which your address is located (or San Mateo County, California, if your address is outside the United States), and that you will accept service of process from the person who provided the Notice or from an agent of that person.
4. Include the following statement: "I swear, under penalty of perjury, that I have a good faith belief that each website, webpage, posting, profile, feedback or other material identified above was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled."
5. Sign and date the Counter Notice.

Please bear in mind that Upwork cannot give you legal advice. If you have questions about whether certain proprietary rights are valid or whether certain material is infringing, you should contact an attorney.