

Birch Lane's Copyright Policy

Last Updated: May 17, 2018

This Copyright Policy describes Birch Lane's policy of prohibiting any information or materials that violate another party's intellectual property rights from appearing on www.Wayfair.com, www.AllModern.com, www.JossandMain.com, www.BirchLane.com, www.Perigold.com and their related domains (collectively, the "**Site**").

The Digital Millennium Copyright Act of 1998 (the "**DMCA**") provides recourse for a copyright owner who believes that material appearing on the Internet infringes his, her or its rights under U.S. copyright law. Birch Lane complies with the DMCA by responding to notices and counter-notices that meet the then-current DMCA requirements. Please visit <http://www.copyright.gov/> for details about current DMCA requirements.

Notification of Alleged Copyright Infringement

If you believe in good faith that material appearing on the Site infringes your copyright, you (or your agent) may send Birch Lane a written notification pursuant to the DMCA (a "**DMCA Notice**"). Your DMCA Notice should be sent to our Copyright Agent (identified below), contain all of the information listed below (and as further set forth in 17 U.S.C. § 512(c)(3)) and request that the material be removed or that access to it be blocked. Your DMCA Notice must contain:

1. Identification in sufficient detail of the copyrighted work that you claim has been infringed. If multiple copyrighted works on the Site are covered by a single notification, you may provide a representative list of such works on the Site; however, the representative list must still contain sufficient detail of the copyrighted works so that we can identify them;
2. Identification of the URL or other specific location on the Site that contains the material that you claim to be infringing your copyright. You must provide us with reasonably sufficient information to enable us to locate the alleged infringing material and comply with your request to remove or deny access to the material;
3. Your name, address, telephone number and email address (if available);
4. The electronic or physical signature of the owner of the copyright or a person authorized to act on the copyright owner's behalf;
5. A statement that you have a good faith belief that use of the material on the Site as you

have described in the DMCA Notice is not authorized by the copyright owner or its agent or the law; and

6. A statement that you swear under penalty of perjury that the information contained in your notification is accurate and that you are the copyright owner or that you are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

You must submit any notification of an alleged copyright infringement to Birch Lane's Copyright Agent by mail or email as set forth below:

Birch Lane Copyright Agent

Attn: Legal

4 Copley Place, Floor 7

Boston, MA 02116

Email: legal@wayfair.com (please reference "Birch Lane DMCA Notice")

If you fail to comply with all of the above requirements, your DMCA Notice will not be valid. Please note that you may be liable for damages, including court costs and attorneys' fees, if you materially misrepresent that materials on the Site are infringing a copyright.

Counter Notification

If you believe in good faith that your own copyrighted material has been removed from the Site as a result of mistake or misidentification, you may submit a written counter notification letter to Birch Lane's Copyright Agent pursuant to Sections 512(g)(2) and (3) of the DMCA. To be an effective counter notification under the DMCA, your written correspondence must include substantially the following:

1. Identification of the material that has been removed or disabled and the location at which the material appeared before it was removed or disabled;
2. A statement that you consent to the jurisdiction of the Federal District Court in which your address is located or in Boston, Massachusetts if your address is outside the United States;
3. A statement that you will accept service of process from the party that filed the notification of alleged copyright infringement or the party's agent;
4. Your name, address and telephone number;
5. A statement that you swear under penalty of perjury that you have a good faith belief that the material in question was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled, or that the material identified by the complaining party has been removed or disabled at the URL or web location and will no longer be shown

or accessible; and

6. Your physical or electronic signature.

You may submit your counter notification to Birch Lane's Copyright Agent by mail or email as set forth below:

Birch Lane Copyright Agent

Attn: Legal

4 Copley Place, Floor 7

Boston, MA 02116

Email: legal@wayfair.com (please reference "Birch Lane DMCA Notice")

Upon receipt of a counter notice, Birch Lane's Copyright Agent may send a copy of it to the original complaining party informing that party that Birch Lane may replace the removed content or cease disabling it. Unless the copyright owner files an action seeking a court order against Birch Lane, the removed content may be replaced or access to it restored by Birch Lane.

You acknowledge that if you fail to comply with all of the above requirements, your DMCA counter notification will not be valid. Please note that if you materially misrepresent that the disabled or removed content was removed by mistake or misidentification, you may be liable for damages, including costs and attorneys' fees.