



By E-mail

February 4, 2022

DMCA COUNTER NOTICE

Gaurav Dhingra

123, 4th Floor, Saini Enclave,
Karkardooma, New Delhi – 110092 (India)
Tel: 01244934750
gaurav.dhingra@origoindia.com

Through

Origo Commodities India Private Limited

Fk-06, Somdatt Chamber - I, 5,
Bhikaji Cama Place, New Delhi
South Delhi Delhi – 110066 India

Also at:

Plot No 37, 1st Floor Sector 18
Institutional Area Gurgaon 122016
Haryana, India

To,

MakerLoop, Inc.

Attn: DMCA Agent,
2325 3rd Street, Suite 296,
San Francisco, CA. 94107

E-mail: copyright@netlify.com

Ref: DMCA Takedown Notice submitted by the complainant, Sahil Batla, and received on February 1, 2022

Sub: Counter-Notice/Request to restore disabled material

Dear Ma'am/Sir,

Origo Commodities India Private Limited

Corporate Office: Plot No 37, 1st Floor, Sec-18, Institutional Area, Gurgaon 122002, Haryana
Registered Office: FK-06, First Floor, Somdatt chamber-1, 5, Bhikaji Cama Place, New Delhi 110066
CIN: U51103DL2011PTC213352: Visit us at: www.origoindia.com: E-mail: info@origoindia.com



We, Origo Commodities India Private Limited (hereinafter “**Origo**” or “**We**”) hereby request the restoration of all content/material/weblinks/webpages which has been removed/disabled/de-hosted from MakerLoop Inc.’s online platform (which includes the website located at <https://www.netlify.com/>) and the associated mobile application under the name of ‘Netify’ (“**Platform**”) pursuant to the above-referenced Notice by Makerloop Inc. on February 2, 2022. The disabled material comprises of the website and associated application under the name ‘Tradefi’ (hereinafter collectively referred to as “**Website**”) hosted at:

- <https://staging--tradefi.netlify.app/>
- <https://prod--tradefi.netlify.app/login>
- <https://dev--tradefi.netlify.app/login>
- <https://tradefi.netlify.app/>
- <https://611e00083fae4b94113da6ff--tradefi.netlify.app/>

We have read and understand Netlify’s Guide to Filing a DMCA Counter Notice.

We swear, under penalty of perjury, that we have a good-faith belief that the material was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled based on the following preliminary grounds, without prejudice.

We submit that we have commissioned the Website as a work for hire as part of the services *inter-alia* required to be rendered under a service agreement dated April 28, 2020 read together with its first addendum dated September 15, 2020 and second addendum dated May 29, 2021 (collectively “**Service Agreement**”) with BirthVenue Growth Solutions Private Limited, a company having offices at 1195, Sector 7D, Faridabad, Haryana – 121006 (“**BirthVenue**”).

We submit that M/s Decabits Software, a company incorporated under the laws of India with offices at Office No. 514 - 515, 6th Floor, West End Mall, Janakpuri West, New Delhi, Delhi – 110058 (“**Decabits**”) was engaged by BirthVenue as a subcontractor for development services related to the Website and transfer of the Website (and assignment of all rights in respect thereof) to Origo. Please note that the consideration amount in respect of transfer of the Website (and assignment of all the intellectual property rights related thereto) have been made and settled by Origo.

We submit that Mr. Gaurav Dhingra, the recipient of referenced Notice, had been engaged by Decabits to create and develop the Website, and had thereafter had been deployed as the lead resource to work with the team at Origo (pursuant to requisite contractual agreements between Origo and Decabits). We further submit that the complainant in the referenced Notice is involved in the management of Decabits and has acknowledged the afore mentioned understanding in the course of written correspondence with Origo.

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We submit that despite the written acknowledgement by the complainant to complete transfer and assignment of rights in the Website and despite the clearance of all dues by Origo, the complainant has persisted in raising false allegations against Origo and has raised a wholly unsubstantiated and baseless claim of ownership in the copyright in the referenced Notice.

In light of the above, We submit that Origo, and not the complainant, is the lawful and exclusive owner and holder of rights over all and any intellectual property in the Website (and elements thereof). The complainant does not hold the copyright to the material in question, is not the designated representative of Origo, and therefore lacks any standing to assert that Origo's use of the Website is a violation of the complainant's rights.

It is accordingly requested that the content/material/weblinks/webpages which has been removed/disabled/de-hosted be reinstated with immediate effect.

In case of any clarification(s), We may be contacted at:

Attn: Mr. Girish Kathpalia

Address: Plot No. 37, 1st Floor, Institutional Area, Sector – 18, Gurgaon - 122016

Telephone: 01244934750

E-mail: info@origoindia.com

We consent to the jurisdiction of Federal District Court for the judicial district in which my address is located (if in the United States, otherwise the Northern District of California where Netlify is located), and we will accept service of process from the person who provided the DMCA notification or an agent of such person.

SIGNED for and on behalf of Origo Commodities India Private Limited

Name: Gaurav Gupta

Title: Company Secretary

COUNTERSIGNED by

Mr. Gaurav Dhingra

Origo Commodities India Private Limited

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