

Notice and Take Down Policy

WeTransfer respects your rights and expects that you respect the rights of others. In the unfortunate event that WeTransfer finds or is notified of unlawful files or content being distributed through its Service, we will follow the procedures described in this Notice and Take Down Policy. By using our website or file transfer service, you agree to be bound by our Notice and Take Down Policy below.

Version: June 11, 2013

Code of Conduct

WeTransfer subscribes to the Dutch Notice and Take Down Code of Conduct ("Code") of the Platform Internet Security (*Platform Internetveiligheid*). This Code of Conduct establishes procedures for internet intermediaries like WeTransfer to deal with reports of (alleged) unlawful content, directed at removal of disputed content ("Report" or "Reports"). This Notice and Take Down Policy ("NTD Policy") describes the procedures and time limits WeTransfer applies in dealing with such Reports.

Report requirements

Any person or organization that makes a Report ("Notifier") has the duty to ensure that it is correct and complete.

WeTransfer should be able to verify that Reports following an investigation regarding a criminal offence have originated from an inspection or investigation service, or – in the case of a formal legal order – from the Public Prosecutor's Office. A Report of any other nature than the foregoing should include at least the following information:

1. Notifier's contact details, name, function, organisation, address, email address);
2. all information WeTransfer needs in order to evaluate the lawfulness of the disputed content, including its location (URL);
3. motivation as to the unlawfulness of the content, or why it is in conflict with WeTransfer's Terms of Service, NTD or Privacy Policy;
4. motivation of the reason(s) why WeTransfer is the most appropriate intermediary to deal with the matter.

Indemnity

Notifier will provide WeTransfer with an explicit indemnity against 1) claims from the user whose content is at dispute ("Content Provider") relating to any actions WeTransfer has taken in relation to handling the Report, and 2) any claims from Notifier in relation to content sent through our Service.

Urgency

Notifier might request WeTransfer to deal with the report as a matter of urgency. In that case, the Report should substantiate all reasons for urgency. WeTransfer determines at its own discretion whether the report should be dealt with as a matter of urgency on the basis of the foregoing explanation.

Evaluation

WeTransfer shall evaluate the Report and classify it into one of three categories:

1. punishable content reported by an inspection or investigation service, or – in the case of a formal legal order – by the Public Prosecutor's Office;
2. unequivocally unlawful (*onmiskenbaar onrechtmatig*) content and/or punishable content reported by other sources than the authorities listed under 1); and
3. all other content, falling neither under category 1) or 2).

Measures

WeTransfer's categorisation of the Report determines which measures are taken to address the Report.

- a. In the event that WeTransfer determines that the content concerned is unequivocally unlawful or punishable, in other words falls under the above mentioned categories 1) and 2), WeTransfer ensures that the content concerned is immediately removed;
- b. In the event that WeTransfer determines that the content concerned is not unequivocally unlawful or punishable, in other words falls under the above mentioned category 3), the content concerned shall not be removed. WeTransfer will inform Notifier accordingly;
- c. In the event that WeTransfer is not or unsufficiently able to judge whether the content concerned is unequivocally unlawful or punishable, WeTransfer will inform Content Provider about the Report with the request to (i) allow WeTransfer to remove the content or (ii) to contact Notifier. If Notifier and Content Provider are unable to reach an agreement, Notifier can make an official report to the police if a criminal offence might be concerned. If it concerns content that is alleged to be unlawful under civil law, Notifier can bring the dispute with Content Provider before a Dutch court of law. Should Content Provider be unwilling to sufficiently identify himself to Notifier, WeTransfer has the right to (i) provide Notifier with the Content Provider's name, email address and IP-address or (ii) to remove the content concerned.

Period

Categorisation and appropriate measures will preferably take place as soon as possible, yet ultimately 10 days after receiving the Report.

Due caution

In the events that content is to be removed, WeTransfer shall exercise due caution to ensure that no more than the necessary content, in regards of the Report, is removed.

Questions?

For questions about this NTD Policy, please contact WeTransfer by sending an email to legal@wetransfer.com. We speak English and Dutch.