

NOTICE AND PROCEDURE FOR MAKING CLAIMS OF COPYRIGHT INFRINGEMENT

Written notification must be submitted to the following Designated Agent:

Service Provider(s):

Name of Agent Designated to Receive Notification of Claimed Infringement: Martin P. Hochman

Full Address of Designated Agent to Which Notification Should be Sent: 2180 Rutherford Road
Carlsbad, CA 92008

Telephone Number of Designated Agent: (760) 931-1771

Facsimile Number of Designated Agent: (760) 930-5022

Email Address of Designated Agent: claiminfringement@callawaygolf.com

Infringement Notification

To be effective, the Notification must include the following:

1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
2. Identification of the copyrighted work claimed to have been infringed, or if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;
3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material;
4. Information reasonably sufficient to permit the service provider to contact the Complaining Party, such as an address, telephone number, and if available, an electronic mail address at which the complaining party may be contacted;
5. A statement that the Complaining Party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
6. A statement that the information in the notification is accurate, and under penalty of perjury, that the Complaining Party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Upon receipt of the written Notification containing the information as outlined in 1 through 6 above:

1. Service Provider shall remove or disable access to the material that is alleged to be infringing;
2. Service Provider shall forward the written notification to such alleged infringer ("Subscriber");
3. Service Provider shall take reasonable steps to promptly notify the Subscriber that it has removed or disabled access to the material.

Counter Notification

To be effective, a Counter Notification must be a written communication provided to the Service Provider's Designated Agent that includes substantially the following:

1. A physical or electronic signature of the Subscriber;
2. Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled;
3. A statement under penalty of perjury that the Subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled;
4. The Subscriber's name, address, and telephone number, and a statement that the Subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the address is located, or if the Subscriber's address is outside of the United States, for any judicial district in which the Service Provider may be found, and that the Subscriber will accept service of process from the person who provided notification or an agent of such person

Upon receipt of a Counter Notification containing the information as outlined in 1 through 4 above:

1. Service Provider shall promptly provide the Complaining Party with a copy of the Counter Notification;
2. Service Provider shall inform the Complaining Party that it will replace the removed material or cease disabling access to it within ten (10) business days;
3. Service Provider shall replace the removed material or cease disabling access to the material within ten (10) to fourteen (14) business days following receipt of the Counter Notification, provided Service Provider's Designated Agent has not received notice from the Complaining Party that an action has been filed seeking a court order to restrain Subscriber from engaging in infringing activity relating to the material on Service Provider's network or system.