

Notice and Takedown Procedure from BWO Systems AG

(Version 2.0, August 2026)

1. DEFINITIONS

1.1 Inadmissible Content Content that violates third-party rights, in particular intellectual property rights in a broad sense (such as copyrights or trademark rights) or personal rights, violates data protection regulations, or constitutes a criminal offense (specifically in the areas of cybercrime, pornography, depiction of violence, racism/discrimination, and defamation).

1.2 Customer A customer of BWO Systems AG or its hosting partners with whom a contract regarding hosting services exists.

1.3 Notice A notification from an affected person or authority stating that content made publicly available by the customer is inadmissible. The sender must be affected by the alleged infringement more than an ordinary third party or the general public: in the case of personal rights and data protection violations as well as offenses prosecuted upon complaint, the injured person (or their representative); in the case of intellectual property infringements, the person entitled to the content as the owner or licensee (or their representative). In the case of offenses prosecuted ex officio, no special affectedness of the sender is required.

Substantively and formally, a Notice must contain at least the following information:

- a. Name, postal address, and email address of the sender;
- b. Justification of the sender's special affectedness (except in the case of offenses prosecuted ex officio);
- c. Exact URL/links of the objectionable page, subpage, or file;
- d. Precise description of the alleged inadmissible content;
- e. Factual justification for the inadmissibility of the content.

2. NOTICE-AND-NOTICE

2.1 BWO Systems AG examines a received Notice to determine whether it meets the substantive and formal requirements of Section 1.3. The standard of a legal layperson shall apply to this assessment.

2.2 If the received Notice does not fully meet the requirements of Section 1.3, BWO Systems AG shall request the sender to supplement the Notice within two business days of receiving the request. If no supplement is provided within this period or if it remains incomplete, the Notice will not be processed further.

2.3 If the Notice fully meets the requirements of Section 1.3, BWO Systems AG will generally send a notification to both the customer and the sender within two business days of receipt:

a. Notification to the customer: BWO Systems AG informs the customer of the receipt of the Notice and forwards it to them. The customer is advised that they are solely responsible for content that they store, process, or make accessible using the hosting services. The customer is requested to remove the content or to justify its lawfulness in a statement to the sender. Furthermore, the customer is liable to the hosting provider for expenses incurred in connection with defending against third-party claims as well as for any further damages. BWO Systems AG may require security from the customer for the precautionary coverage of these damages. In obvious cases, BWO Systems AG may proceed directly according to Section 3.

b. Notification to the sender: BWO Systems AG confirms receipt of the Notice and informs the sender of the letter sent to the customer. It advises the sender that the customer alone is responsible for the content and that personal data may not readily be disclosed to third parties due to data protection law. BWO Systems AG refers to official methods for identification (e.g., WHOIS queries) as well as legal steps with state authorities. In obvious cases, BWO Systems AG may proceed directly according to Section 3.

3. NOTICE-AND-TAKEDOWN & RE-TAKEDOWN

3.1 If the Notice fully meets the requirements of Section 1.3 and concerns content that is highly likely to be inadmissible, creates a risk of criminal or civil liability for BWO Systems AG itself, or constitutes a copyright infringement pursuant to Art. 39d CopA (Swiss Copyright Act), BWO Systems AG may, at its own discretion, block access to the affected website or content in whole or in part until the matter is clarified.

3.2 (Copyright Stay-Down / Re-Takedown) If copyright-infringing content has been removed once under Art. 39d CopA, BWO Systems AG shall take appropriate measures within the scope of technical and operational reasonableness to prevent the same content from being made accessible again via the same service.

3.3 Immediately before or after a block, BWO Systems AG shall inform the customer of the receipt of the Notice, forward it, and state the reason for the block. At the same time, BWO Systems AG shall inform the sender of the Notice about the block. BWO Systems AG shall decide at its own discretion whether to report criminal offenses to the National Cyber Security Centre (NCSC) or to the competent law enforcement authorities.

3.4 The standard of a legal layperson shall apply to the assessment of the completeness of the Notice as well as to the discretion regarding blocking, measures against re-posting, and reporting to authorities.