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Online Courses – Intellectual Property Policy

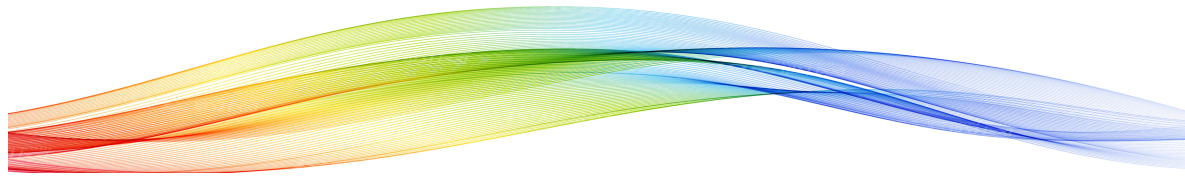
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This website can be accessed at www.adaptive.za.com/odyssey (“Odyssey”, the “Website”, “platform”) and is owned and operated by Adaptive Consulting (Proprietary) Limited (“Adaptive”, “we”, “us” and “our”).

Any capitalized terms that aren't defined in these Terms are defined as specified in the Terms of Use.

Odyssey is a technology platform that enables instructors and Third Party sellers anywhere to share educational courses. Our marketplace model means we do not review or edit the courses for legal issues and we are not in a position to determine the legality of course content. However, it is important to us that instructors posting courses on Odyssey respect the intellectual property of others. When instructors post courses on our marketplace, they make the promise that they have the necessary authorization or rights to use all the content contained in their courses.

Infringing activity is not tolerated on or through our platform.

This policy addresses what we do in the event of intellectual property infringement reports from owners with respect to the courses on the Odyssey platform. The policy also addresses what we do when Odyssey instructors' courses are copied on third-party platforms without their consent.

1. Third-Party Infringement Reports

Adaptive's Odyssey policy is to remove courses from our website when they are reported as infringing in a copyright infringement notice received from the owner of the original content. It is also our policy to remove all courses if any instructor who is determined to be a repeat infringer (for whom Adaptive/Odyssey has received more than two valid takedown notices). We reserve the right to terminate an instructor's account at any time, including when they post content in violation of the Terms.

2. How to File a Report

If you would like to report a course on Odyssey and if you are the owner or the designated agent of the owner of the intellectual property that you believe the course is infringing the most efficient way is to use this form (form in English only).

Before you submit an infringement report, please remember these important things:

1. **We cannot process an infringement claim that is not submitted by the owner or its designated agent.** This is because we have no way of knowing whether the instructor who published the course you are reporting has received proper permission from the owner to use the content. We will ask you to provide an electronic signature to confirm that you are the owner or have authority to represent the owner.
2. **Your claim has to be sufficiently substantiated for us be able to address it.** This means:
 - You provide sufficient information for us to contact you, including your full legal name, an email address, physical address, and (optional) telephone number.
 - If you are filing a report on behalf of an organization, you include the name of the organization and your relationship to the organization.
 - You precisely identify the original copyrighted material or, if multiple copyrighted works are covered in your notification, you provide a sufficiently representative list of such original material (such as a URL where the material is located);
 - You provide sufficient information for us to locate the reportedly infringing course(s) on the Odyssey site (the URL on our website and the exact name of the course and instructor);
 - You add a statement saying: “I declare, under penalty of perjury, that the information in this complaint is accurate and that I am the owner or am authorized to act on the owner's behalf and I have a good faith belief that use of the material in the manner complained of is not authorized by the owner, its agent, or the law”.

- The specific word, symbol, etc. for which you claim trademark rights.
 - The basis for your claim of trademark rights (such as a national or community registration), including registration number, if applicable.
 - The country or jurisdiction in which you claim trademark rights.
 - The category of goods and/or services for which you assert rights.
 - A description of how you believe this content infringes your trademark.
 - If you are not the rights holder, an explanation of your relationship to the rights holder.
 - Your electronic signature ("/s/" followed by your full name, e.g., "/s/ Jane Doe") or physical signature.
2. **Knowingly submitting a false or misleading claim of infringement is illegal and you could be held liable and have to pay damages as a result.** Adaptive/Odyssey reserves the right to seek damages from anyone who submits a notification of claimed infringement in violation of the law.
3. **There are types of content that are not protected by copyright.** Copyright law doesn't cover short phrases (like business names, book titles, and slogans), intangible concepts (like processes, ideas, and recipes) or facts. Before you submit a copyright claim, make sure that the content copied in the course is indeed protected by copyright. If you need to report a trademark violation please follow the steps here.
4. **Consider whether the use of your material in the course is "fair use".** Copyright law includes a "fair use" exception for certain uses of copyrighted content that are considered to be in the public interest. Fair use covers things like criticism, commentary, news reporting and research. In considering whether a course's use of your material qualifies as fair use, you should look at:
- The purpose of the use (whether the course is paid or unpaid, whether the course critiques/parodies/transforms your material)
 - The type of copyrighted work being used (whether your work is factual or creative)
 - The portion being used (whether the course uses small, necessary excerpts of your material or substantial portions of it)
 - The effect on the market for your material (whether potential buyers would purchase the course instead of your material)
 - Before you submit a copyright claim, make sure that use of the content copied in the course does not qualify as fair use.
 - Trademark law protects the use of a name or brand for selling products and services, with the goal of preventing consumer confusion. Most countries' laws include an exception for "fair use", which allows others to use a trademark for factually referencing the trademarked product or service or commenting on or criticizing the mark. Consider the likelihood that others would be confused into thinking that your company or brand had created or is sponsoring the course. Before you submit a trademark claim, make sure that use of your trademark in the course does not qualify as fair use

3. Counter-Notification

If we receive a valid copyright violation report, we will send a copy of that report to the instructor who posted the reported course along with a notification that (1) the course was reported for infringement and (2) we are removing the course from Odyssey. We will also attach a form that the instructor can fill in and send back to us to submit a counter-notification.

If a course has been reported for infringement and removed from Odyssey, and if an instructor believes we made a mistake or that the instructor has permission from the owner of the reported content to use such content, then the instructor may send us a counter-notification.

To be effective, a counter-notification must be in writing and include the following information:

- Your physical or electronic signature;
- Your name, address, and email address or telephone number,
- Identification of the course that was removed and the location (URL) at which it appeared before it was removed (you can access this information from the copyright infringement report filed against your course, we always attach a copy when we notify you);
- A statement under penalty of perjury that you have 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; and
- A statement that you consent to (i) Adaptive/Odyssey sharing your name and contact information with the claimant; (ii) receiving service of process for any legal action by the claimant or an agent of the claimant and (ii) accepting the jurisdiction of the relevant court in South Africa (headquarters of Adaptive, owners of Odyssey).

Knowingly submitting a false or misleading counter-notification to a claim of infringement is illegal and you could be held liable and have to pay damages as a result. Adaptive/Odyssey reserves the right to seek damages from any party that submits a counter-notification of claimed infringement or counter-notification in violation of the law.

4. Designated Agent Contact Information

Adaptive's Designated Agent for notices of reported infringement can be contacted via legal@adaptiveconsulting.co.za

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