

Mark Smith

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7 October 2024

Via Email: legal@hubspot.com and copyright@HubSpot.com

HubSpot, Inc.

Attn: General Counsel

Two Canal Park

Cambridge, MA 02141

Dear Sir

re: Counter-notification - www.newpoint-reinsurance.com

I deny breaching copyright on the following grounds, thus I deny Hubspot is entitled to provide the relief sought by the Complaining Party thus am writing in response to your DMCA takedown notice/file this Counter-Notification regarding the content posted on Hubspot related to **newpoint-reinsurance.com**. I respectfully assert that my use of the material in question falls within several well-recognized exceptions to copyright infringement under U.S. copyright law, specifically:

1. Criticism and Comment: My work directly engages with the activities of individuals associated with what I allege to be a criminal organization involved in trans-border fraud. This critique is essential for public discourse, particularly given the serious allegations involved.
2. News Reporting: The content provides information on individuals reportedly engaged in fraudulent activities across borders (some more than others), which is of significant public interest in many many countries - particularly the USA, the United Kingdom, St Kitts & Nevis, Switzerland, Australia and with whom those countries trade. My intent in publishing is to inform the public, akin to news reporting, about these potentially illegal activities. I am more than happy to give the Complaining Party the full right of reply and note the Complaining Party has issued statements on its website about my content. I am further aware of articles published by Reuters, the Des Moines Register in particular (and others) and believe this topic is of huge public importance particularly given massive catastrophes such as Hurricane Helene (and otherwise) that the Complaining Party says they are able to insure the public against. Specifically, my content critically considers the truth of representations made by virtually all the employees of this company (in one way, or another) that Newpoint Reinsurance is

quoted as being '*very strong*' financially. I believe the Company is a fraud and may be a danger to the public based on the concerning (contradictory) evidence my website discusses about encumbrances. I have no doubt that more news stories will likely appear about relevant topics and I observe that the Complaining Party has not sought to enjoin me nor has it filed for an injunctive relief against me concerning the subject material (or anyone else, to my knowledge).

3. Teaching, Scholarship, and Research: My work is aimed at educating fraud and insurance regulators, law enforcement, and the general public about the methodologies used in financial frauds. This educational and research-oriented approach is a cornerstone of my content.
4. Non-Profit, Educational Use: I gain no profit from this publication; it is solely for the purpose of education, legal research, and public service. This non-commercial aspect of my use strongly supports a fair use defense.
5. Public Domain and Publicly Available Information: Over 250 public documents, including financial statements and security filings, support my assertions. Moreover, the majority of the said infringing images used, as detailed in Column E of the spreadsheet annexed to the Complaint, are clearly sourced from existing publicly available profiles on LinkedIn, press articles, Facebook etc further indicating the public nature of the information and their exemption.
6. Public Interest and Public Figures:
A significant portion of my commentary centers around individuals who are either public figures, company directors, or involved in a substantial public offering such as on the London Stock Exchange, currently aiming to raise over \$1.5 billion from unsuspecting members of the public. The use of images, predominantly sourced from LinkedIn, serves several purposes:
 - Identification: It's necessary to identify the subjects accurately, especially when discussing activities or decisions that have potential public implications or significance.
 - Public Interest: Given the scale of the financial activities and the public roles these individuals hold, there's a heightened public interest in their actions, decisions, and character. This interest extends to the use of images in the context of legitimate commentary or criticism.
 - News Relevance: For matters of public interest, particularly involving significant financial transactions or public governance, the use of images can be justified under news reporting, as these individuals are not private citizens but rather public figures or figures involved in public

Given these points, I assert that my use of the material:

- Transforms the original material by adding new expression, meaning, or message, which is critical in discussing and analyzing the alleged criminal activities for legal and educational purposes.
- Does not harm the market for the original works, as my use is for commentary and education, not for commercial gain or to replace the original material.

Request for Reinstatement: Based on the fair use doctrine, I request that the content in question be reinstated immediately. I am prepared to defend this use in court if necessary, but I believe that a review of the above points will confirm that my use is entirely protected under fair use.

Furthermore, I would like to remind you that false DMCA notices can have legal repercussions. If this notice is found to be an attempt to suppress legitimate criticism, analysis, or educational content, I reserve the right to seek legal redress.

Other matters:

- No Removal Due to Claimed Exemption:

As I assert my content falls under exemptions to copyright infringement, no material has been removed or access disabled based on the allegation of copyright infringement. The content in question remains accessible.

- Good Faith Belief in Exemption:

I, Mark James Smith, under penalty of perjury, state that I have a good faith belief that my use of the material in question is entirely lawful under existing copyright exemptions, particularly fair use, for reasons previously detailed in this correspondence. No material has been removed nor access disabled on my part, as I claim the use of all material is exempted under copyright law.

- Consent to Jurisdiction and Service of Process:

Name: Mark James Smith

Address: as above

Telephone Number: as above

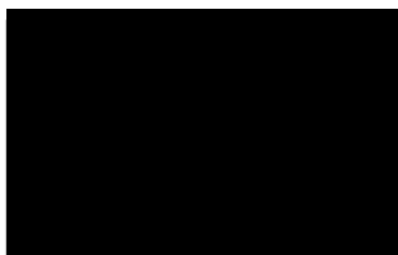
I consent to the jurisdiction of the courts of New South Wales, Australia, where HubSpot has an office and with whom I have contracted for hosting services under and ongoing contract. I confirm that I am within this jurisdiction and agree to accept personal service in accordance

with law at the above address regarding any proceedings.

Please confirm the reinstatement of the content or provide a detailed explanation if you believe the fair use defense does not apply in this case.

Thank you for your attention to this matter.

Yours faithfully



Mark James Smith
Sole Trader