**SAMPLE 2**

**(Notice and Notice: Letter to the Sender of the Notice)**

[Provider heading]

[Address of sender of notice]

[City, date]

**Your complaint regarding content on [website/application]**

Dear Mr. […] / Dear Ms. […]

We are writing in reference to your notification dated […], in which you claim that illegal content is being made available to the public via [website/application].

First of all, please note that the customer who makes the content in question available is exclusively liable for the content hosted by us. As a Hosting Provider, we merely make storage space and various associated services available to our customers. We have no influence on the content of any website or application hosted by us. Moreover, we are under no duty to review the content that we host and, given the size of our customer base, we would not be in a position to do this either.

[If the identity of the sender of the notice has been communicated to the customer:] We have forwarded your complaint to the customer responsible for the content in question and asked this customer to remove this content or, if the customer does not acknowledge your claims, to contact you directly in order to resolve the matter. This course of action is consistent with the Notice and Notice Procedure specified in the Hosting Code of Conduct of Swico.

**[If the identity of the sender of the notice was not disclosed to the customer:]** We have forwarded your complaint to the customer responsible for the content in question in anonymized form [if the DSA applies, the sender's letter must potentially be anonymized, see CoC Hosting, Sections 2 and 5.3(a)] and requested that they remove the content in question or, if they do not acknowledge your allegations, contact us to clarify the matter with a possible statement, which will be forwarded to you in anonymized form. This corresponds to the notice-and-notice procedure provided for in the Swico Code of Conduct Hosting.

Thus, we consider this matter closed. If the customer responsible for the content does not remove the objectionable content or does not clearly justify the legality of the content in its statement, we ask you to pursue your claims directly against the responsible customer. If you do not know the customer's identity, you can find it via publicly accessible Who-is databases (e.g., [www.whois.ch](http://www.whois.ch)) or contact the appropriate law enforcement agencies. Please note that, for data protection reasons, we may not disclose customer data except with the customer's consent or based on an administrative or court order.

Sincerely,

[Signature]

[First name, surname]