

## **Digital Millennium Copyright Act**

### ***Our Policy***

On October 28, 1998, President Clinton signed into law the Digital Millennium Copyright Act ("DMCA"). New Hope's policy is to respond to notices of alleged copyright infringement if such notices substantially comply with the DMCA and other applicable laws and/or regulations and to "take down" and/or disable access to material of repeat infringers.

In response to the DMCA, New Hope designated the Company's General Manager as its agent for notification of any alleged copyright infringement. He/she can be reached by mail, telephone or e-mail, as follows:

TITLE:	General Manager
ADDRESS:	5415 Main Drive New Hope, Alabama 35760
Phone:	256-723-4211 877-474-4211
Facsimile:	(256) 723-2800
E-mail address:	jimcook@nehp.net

If New Hope "takes down," removes, blocks or otherwise disables access to material in order to comply with the DMCA, New Hope will use its best efforts to contact the Subscriber or Account holder affected so that they may respond with a "counter notification," as described in the DMCA. If New Hope receives a "counter notification" that substantially complies with the DMCA and other applicable laws and/or regulations, New Hope will provide the copyright owner with a copy. Unless New Hope receives notification from a copyright owner that he has filed a court action seeking to restrain the alleged infringement, New Hope will "put back" or unblock the material within 10 to 14 days of its receipt of the "counter notification". If New Hope receives such notification of court action, New Hope will not put back or unblock the material, but will use its best efforts to forward said notice to the Subscriber or Account holder affected.

New Hope reserves the right to terminate service upon receiving evidence of repeated instances of copyright infringement.

### **What do I do if I believe my copyrighted material is being infringed?**

If you believe that your material has been reproduced and posted on the web in a way that constitutes infringement, you must provide New Hope's designated agent with the following information in writing:

1. Identification of the copyrighted work(s) that you believe has been infringed;
2. Identification of the material that you believe is infringing on your copyrighted work or that is the subject of infringing activity;
3. Identification of where the alleged offending material is located sufficient to allow New Hope to find it;
4. Information sufficient to allow New Hope to contact you (your mailing address and telephone number, along with your e-mail address, if available);
5. The following statement by you: "I have a good faith belief that the use of the copyrighted materials described above in the manner complained of is not authorized by the copyright owner, its agent or the law";
6. The following statement by you: "I swear, under penalty of perjury, that the information in this notification is accurate and that I am the copyright owner or authorized to act on the copyright owner's behalf";
7. Your physical or electronic signature.

**WARNING: If you knowingly materially misrepresent that material or activity is infringing, you are liable for any damages that New Hope, a Subscriber or Account Holder incurs as a result of such misrepresentation.**

**How do I file a “counter notification”?**

If you believe that you have not infringed on protected material, you must then send a “counter notification”, in writing, to New Hope’s designated agent, with the following information:

1. Identification of the material that was removed or access to was otherwise disabled, and the location of such material prior to its removal;
2. At least one of the following statements by you: “I swear, under penalty of perjury, that I have a good faith belief that the materials described above were mistakenly removed or disabled” or “I swear, under penalty of perjury, that I have a good faith belief that the materials described above were removed or disabled because of misidentification”;
3. Information sufficient to allow New Hope to contact you (your mailing address and telephone number, along with your e-mail address, if available);
4. The following statement by you: “I consent to the jurisdiction of the Federal District Court for the Judicial District in which my address is located, or if my address is outside the United States, for any judicial district in which New Hope may be found, and I will accept service of process from the person who provided the original notice of infringement or that person’s agent”;
5. Your physical or electronic signature.

**WARNING: If you knowingly materially misrepresent that material was removed, blocked, taken down or otherwise disabled by mistake or misidentification, you are liable for any damages that New Hope, a Subscriber or Account Holder incurs as a result of such misrepresentation.**