

## NHTC Digital Millennium Copyright Act

The Digital Millennium Copyright Act (DMCA) was passed into law and signed by President Bill Clinton in October of 1998. It provides protection against the illegal distribution and downloading of copyrighted materials to the holders of those copyrights.

NHTC may take the following actions against subscribers who have been reported to be in violation of the DMCA by downloading or distributing copyrighted materials by the copyright holder or their agent. Beginning with the 3<sup>rd</sup> violation, each incident will require that the customer call the Network Operations Center (NOC) at (256) 723-4219 between the hours of 8am – 5pm Central Time to reinstate service. Contact after hours will result in service being reinstated the next business day.

The customer must acknowledge the alleged violation and provide a valid e-mail address to which the infringement claim(s) can be sent.

- Upon the first reported violation, the end-user will be notified via email and/or certified mail.
- The second violation will result in another notification via email and/or certified mail as well as attempted phone notification.
- The third violation will result in a suspension of service until the customer contacts the NOC.
- The fourth violation will result in a minimum suspension of 12 hours, and the customer must call the NOC to be reinstated. \*
- The fifth violation will result in a minimum suspension of 24 hours, and the customer must call the NOC to be reinstated. \*
- The sixth violation will result in a minimum suspension of 72 hours, and the customer must call the NOC to be reinstated. \*

\* Reconnect Fees apply

Unless there are extenuating circumstances, the seventh violation may result in the termination of the account. **No refund will be given** in cases where termination results due to repeat infringements.

If you receive a notice (including the captive portal) from us stating that we have received notice that you allegedly engaged in copyright infringement, you may submit a written counter-notice to us.\*\* This counter-notice must contain: (1) your physical or electronic signature; (2) identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled; (3) a statement under penalty of perjury that you have a good faith belief that the material was removed or disabled due to a mistake or misidentification of the material to be removed or disabled; and (4) your name, address, and telephone number along with a statement that you consent to jurisdiction in the Federal District Court of the judicial district in which your physical address is located and that you will accept service of process from either the person who provided the notice of claimed infringement to us or an agent of that person.

\*\*A fee for the processing of this request may apply.

What constitutes an infraction:

- Any properly formatted and submitted complaint regarding any single title or file.
- Properly formatted and submitted complaints on multiple titles within the same 24-hour period will count as 1 infraction. (Case in point when an MP3 library containing multiple titles is shared)

Note to Claimants and Agents:

- Improperly formatted complaints will be discarded.
- Complaints that are received and cannot be determined to be actual subscribers of NHTC or one of its subsidiaries will be discarded.

- Complaints E-mailed to any E-mail address other than the specified addresses in our filing with the US Copyright Office or our Acceptable Use Policy will be discarded.
- Subpoenas submitted for DMCA-related records to NHTC or any of its subsidiaries will be handled as time is available for their processing. Records generation will be charged at the applicable labor rate for the employee(s) required to perform this task. Charges will also include, but not be limited to, postal (and any other) fees required to notify customers whose records have been requested. Customers whose records have been requested in the subpoena will be notified of the subpoena request. Any legal fees incurred by a third party (for example: a TTP-Trusted Third Party) will also be billed to the claimant or their agent. Records will not be provided until this obligation is met by the claimant or their agent or unless a legal and binding contract for payment is in force.