

Digital Millennium Copyright Act Policy

The **Digital Millennium Copyright Act of 1998** (DMCA) is an amendment to U.S. copyright law. It is designed to limit liability of an Internet Service Provider (ISP) for content on the provider's system or network that was placed there by a user.

Policy for handling claims of infringement

Section 512 (c)(3)(A) of the DCMA requires that a claim of copyright infringement (Notification) be sent to MINET's designated agent (described below). The claim *must* provide certain information (detailed below) in order for it to be considered a valid claim.

Elements of Notification (DMCA Section 512 (c)(3)(A))

(A) To be effective, a notification of claimed infringement must be a written communication provided to MINET's designated agent that includes substantially the following:

- 1) A physical or electronic signature of a person authorized to act on behalf of the copyright owner;
- 2) Identification of the copyrighted work claimed to have been infringed;
- 3) Identification of the material that is claimed to be infringing or to be the subject of the infringing activity that is to be removed or access to which is to be disabled as well as information reasonably sufficient to permit MINET to locate the material;

- 4) Information reasonably sufficient to permit MINET to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address;
- 5) A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or law; and
- 6) A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of the copyright that is allegedly infringed.

Take Down Requirement.

Upon receipt of a valid claim, (a claim in which the requested information is substantially provided), MINET will undertake to have the disputed material removed from public view or disable access to the disputed material until a counter-claim is filed or until a court ruling determining the disposition of the disputed material is received. Under the provisions of the DMCA, MINET as an Internet Service Provider, has no other role to play either in prosecuting or defending a claim of infringement, and cannot be held accountable in any case for damages regardless of whether a claim of infringement is found to be true or false.

Section (512) (f) of the DMCA defines penalties for intentional misrepresentation of a claim.

Upon MINET's receipt of a Notification with the information described above, MINET will, to the extent applicable, expeditiously remove or disable access to the alleged infringing material or information. MINET will also immediately notify its subscriber or user that access to the material has been removed or disabled.

Counter-Notification.

After the alleged infringing material has been removed or access to the material disabled, the user or subscriber who posted such material may provide MINET with a counter-notification in order to re-enable the material.

The counter-notification must include all of the following:

- 1) Physical or electronic signature;
- 2) Identification of the material that has been removed or to which access was 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 the user or subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification; and

- 4) The user or subscriber's name, address, and telephone number, and a statement that she/he consents to the jurisdiction of the United States District Court for the District of Oregon, and will accept service of process from the complainant. If proper counter-notification is received by MINET, MINET will take the following action:
- 1) notify the original claimant that it will replace the removed material or cease disabling access to it in 10 business days; and
 - 2) restore or re-enable the material between 10 and 14 business days from the date of the counter-notification.

Termination Policy.

It is MINET's policy to terminate services to its subscribers or users that are repeat copyright infringers.

MINET's Designated Agent.

All claims of copyright infringement or counter-notification must be sent to MINET's designated agent at **abuse@minetfiber.com** or addressed as follows:

**MINET Designated Agent c/o P. Armstrong
405 N. Hogan Rd. Monmouth, OR 97361**