

## Digital Millennium Copyright Act Notice “DMCA”

In accordance with the Online Copyright Infringement Liability Limitation Act of the Digital Millennium Copyright Act (17 U.S.C. § 512) (“DMCA”), if you are a copyright owner (or an agent of a copyright owner) and believe any user material posted on our sites infringes upon your copyrights, you may submit a Notification of Claimed Infringement. The written notice (the “DMCA Notice”) must include substantially the following:

- Your physical or electronic signature.
- Identification of the copyrighted work you believe to have been infringed or, if the claim involves multiple works on the Website, a representative list of such works.
- Identification of the material you believe to be infringing in a sufficiently precise manner to allow us to locate that material.
- Adequate information by which we can contact you (including your name, postal address, telephone number, and, if available, email address).
- A statement that you have a good faith belief that use of the copyrighted material is not authorized by the copyright owner, its agent, or the law.
- A statement that the information in the written notice is accurate.
- A statement, under penalty of perjury, that you are authorized to act on behalf of the copyright owner.

Our designated copyright agent to receive DMCA Notices is:

Adam Rislov  
Nunn Telephone Company  
285 Logan Avenue, PO Box 249, Nunn, CO 80648  
970.897.2200 / rislova@ezlink.com

If you fail to comply with all of the Notification requirements of Section 512(c)(3) of the DMCA, your DMCA Notice may not be effective.

Copyright owners may use their own notification of claimed infringement form that satisfies the requirements of Section 512(c)(3) of the U.S. Copyright Act. Under the DMCA, anyone who knowingly makes misrepresentations regarding alleged copyright infringement may be liable to Company, the alleged infringer, and the affected copyright owner for any damages (including costs and fees) incurred in connection with the removal, blocking, or replacement of allegedly infringing material under Section 512(f) of the DMCA.

### Counter-Notification Procedures

If you believe that material you posted on the Website was removed or access to it was disabled by mistake or misidentification, you may file a counter-notification with us (a “Counter-Notice”) by submitting written notification to our copyright agent designated above. Pursuant to the DMCA, the Counter-Notice must include substantially the following:

- Your physical or electronic signature.
- An 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 disabled.
- Adequate information by which we can contact you (including your name, postal address, telephone number, and, if available, email address).

- A statement under penalty of perjury by you that you have a good faith belief that the material identified above was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled.
- A statement that you will consent to the jurisdiction of the Federal District Court for the judicial district in which your address is located (or if you reside outside the United States for any judicial district in which the Website may be found) and that you will accept service from the person (or an agent of that person) who provided the Website with the complaint at issue.

Upon receipt of a Counter Notice, Company shall promptly provide the complaining party with a copy of the Counter-Notice and inform the party we will replace the removed material or cease disabling access to it within 10 business days. The DMCA allows us to restore the removed content no less than 10, but not more than 14 business days after receipt of the Counter-Notice, if the party filing the original DMCA Notice does not file a court action against the alleged infringer.

Please be aware that if you knowingly materially misrepresent that material or activity on the Website was removed or disabled by mistake or misidentification, you may be held liable for damages (including costs and attorneys' fees) under Section 512(f) of the DMCA.

### **Repeat Infringers**

It is our policy in appropriate circumstances to disable and/or terminate the accounts of users who are repeat infringers. For additional information concerning termination of accounts due to DMCA violations, see *DMCA Termination*, below.

### **DMCA Termination**

It is Nunn Telephone Company's policy to comply with the "safe harbor" provisions for Internet Service Providers set forth in the DMCA. Without limiting any other rights or remedies available to any copyright owner or of Nunn Telephone under this AUP or applicable law, Nunn Telephone Company may terminate Service for repeated and willful violations of the DMCA.

When Nunn Telephone Company receives a notice from a copyright holder or its authorized representative regarding an alleged violation of law by someone using an IP address identified as belonging to Nunn Telephone, and the alleged offender is a customer of Nunn Telephone, the customer will be notified by telephone and email of the offense. If it is a first-time offense, the customer will be notified and advised that an alleged violation of copyright law has been received and that any further violations could affect the customer's access to the Internet. Notification of a second offense will result in the same action. A third offense will result in notice that Internet service will be restricted of ninety (90) days to limit the ability to violate the law. A fourth offense will result in the termination of Internet service.

- Termination of Service (Residential Accounts).** Nunn Telephone Company will suspend or disconnect Service if four (4) DMCA offenses are recorded on a residential account in any twelve (12) month period. Service will be suspended or disconnected for a minimum period of 12 months. If Service is suspended or disconnected under this Section, you will be responsible for all fees and/or recovery charges associated with termination of Service, as set forth in our Terms and Conditions of Service.
- Termination of Service (Business Accounts).** Nunn Telephone Company will suspend or disconnect Service if any DMCA offenses are recorded on a business account. Service will be suspended or disconnected for a minimum period of 12 months. If Service is suspended or disconnected under this Section, you will be responsible for all fees and/or recovery charges associated with termination of Service, as set forth in our Terms and Conditions of Service.