

ITC's Digital Millennium Copyright Act (DMCA) Policy

DMCA is a law that was passed on October 12, 1998. Among other things, this law specifically addresses the use of the Internet to illegally reproduce or disseminate copyrighted material. To learn more about the DMCA reference visit www.copyright.gov.

When a copyright holder contacts ITC, they have already determined that the law may have been broken. They send us the name of the material that is being infringed upon, the time that the material was being made available online, as well as the public Internet Protocol (IP) address of the computer or network that is sharing it. Since public IP addresses are unique and can only be used on one device at a time, they act much like a fingerprint. To be in compliance with the DMCA, ITC uses this information to identify and contact the responsible party.

If you have received a copyright infringement notice from ITC via e-mail or letter, this means that a device at your home or on your network is making copyrighted material publicly available without the consent of the copyright holder. In layman's terms, there is a device on your network that is sharing or downloading movies, music, software, or some other form of media, probably through a peer-to-peer program such as Limewire or BitTorrent. The copyright holder has notified ITC of this, and we have in turn notified you.

DMCA Enforcement

When ITC 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 ITC, the following actions will be initiated:

1. ITC personnel will review the address to determine whether the address is in use by one of its customers. If the address has been assigned to an entity other than ITC, the DMCA notice will be forwarded to that entity for review.
2. If the address is assigned and used by one of its customers, ITC will identify the offending user and take the following actions:
 - a. First offense, the customer will be notified (by fax, regular mail or by email) of the offense 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.
 - b. Second offense notification will result in the same action.
 - c. Third offense will result in notice that Internet service will be restricted/throttled for up to thirty (30) days to limit the ability to violate the law. The notice will also warn that a fourth offense could result in the suspension of Internet service. Customer must sign and return notice stating that they have read and understand ITC's Policy.
 - d. Fourth offense will potentially result in suspension of Internet service. Customer must complete, sign and return Counter Notification form to ITC.
 - e. Additional Offenses may result in re-suspension or termination of service.

Each time a customer is notified pursuant to this policy, records of all contacts with the customer regarding the matter will be retained electronically in the customer's account record. A subscriber will be deemed to be a repeat infringer if ITC receives valid notice of infringing activity occurring on four (4) separate occasions within a twelve (12) month period measured back from the most recent notice.



Digital

Millennium

Copyright

Act

What you need to know about the Digital Millennium Copyright Act and how you can avoid illegally downloading content

Understanding the Digital Millennium Copyright Act (DMCA)

Q: What is the Digital Millennium Copyright Act?

A: The DMCA includes various provisions designed to regulate digital copyright matters. Notably, it includes anti-circumvention measures prohibiting the bypassing of technological safeguards to access or copy copyrighted material. It also includes “safe harbor” provisions, which grant protections to Internet Service Providers (ISPs) against copyright infringement claims, provided they implement certain prevention procedures.

Q: What are the DMCA Safe Harbor Provisions?

A: The DMCA Safe Harbor Provisions are legal safeguards that shield ISPs from liability for the actions of their users. ISPs that adhere to DMCA requirements and promptly address copyright infringement complaints qualify for this protection, thereby limiting liability to the infringing users. ITC takes our Safe Harbor status very seriously.

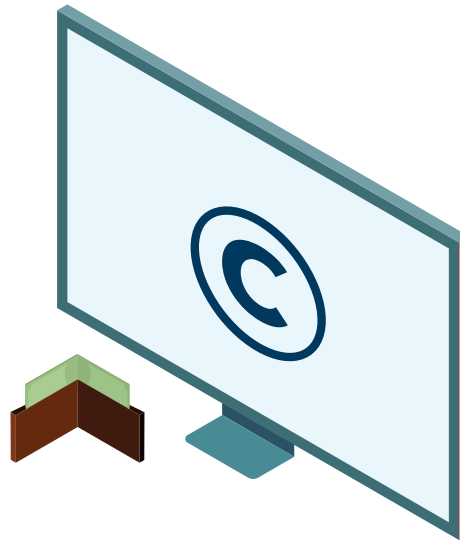
Q: What are the most common examples of DMCA violations?

A: The most frequent DMCA violations involve unauthorized downloading of copyrighted material such as music, television shows, movies, video games, and software without paying for it. ***It's not really free—it's stolen.***

Q: How can I protect myself against DMCA violations?

A: ALL users should be aware of who is using their Internet service and how it's being used. Teenagers and young adults are by far the most frequent offenders, so being mindful of their online activity is important. Also, you should never have an unencrypted wireless router, because you have absolutely no control over who is using your service. ***Your wireless router should always be password protected.***

Downloading copyrighted material without paying is a crime.



Q: How can I legally obtain copyrighted material via the Internet?

A: Legal access to copyrighted material such as TV shows, movies, music, videos, and games can be obtained by utilizing services with libraries of content such as Netflix, Hulu, Amazon, Google Play, Apple Music, and more.

Q: What happens if I am contacted about a DMCA violation?

- ☑ Verify the identity of the entity contacting you regarding the DMCA violation. Only respond to inquiries from ITC.
- ☑ Ensure that the contacting party can provide specific details such as the date and time of the occurrence, as well as the title of the material that was allegedly downloaded illegally.
- ☑ Work with ITC to investigate who violated copyright law and determine the appropriate steps to prevent it from happening again.
- ☑ Take proactive steps to ensure compliance with copyright laws and prevent future violations.

Consequences for Violations

- » **First Offense:** Understand the potential consequences, which may include warnings and educational measures.
- » **Repeat Offenses:** Be aware that repeat violations can and have resulted in restricted Internet speed for up to thirty (30) days to limit the ability to violate the law.
- » **Chronic Violations:** Recognize that chronic violations may result in suspension or termination of Internet service.

ALL users should be aware of who is using their Internet service and how it's being used.

Questions? Feel free to call our office at **1.800.417.8667**.