

ITC 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 <http://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 DCMA 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 written letter 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.