



# TWIN VALLEY

## NOTICE OF COPYRIGHT INFRINGEMENT POLICY

Pursuant to the Digital Millennium Copyright Act (the "DMCA"), you may file a Notification of Claimed Infringement with the Designated Agent of a Service Provider if you believe that a Web page hosted by Twin Valley Telephone Company, Inc., as the Service Provider (hereinafter "Service Provider") is violating your rights under U.S. copyright law. See Title 17, United States Code, Section 512(c)(3). The DMCA provides the following procedure for parties to follow who wish to file a Notification of Claimed Infringement with a Service Provider.

To serve a Notification on Service Provider, send your Notification to:

**Name of Designated Agent to Receive Notification:** Donna Van Allen

Address to Which Notification Should be Sent: P.O. Box 515, Clay Center, KS  
67432

Telephone Number of Designated Agent: 620.584.8351

Facsimile Number of Designated Agent: 620.584.2220

E-mail Address of Designated Agent: dvanallen@tvinc.net

### **Notification:**

In order to be effective under the DMCA, the Notification must (i) be in writing, and (ii) be provided to the Designated Agent of a Service Provider.

In order for such a complaint to be effective under the DMCA, Notification must include the following:

1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
2. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single Notification, a representative list of such works at that site.
3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity, and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the Service Provider to locate the material.
4. Information reasonably sufficient to permit the Service Provider to contact the complaining party, such as an address, telephone number, and if available, an electronic mail address at which the complaining party may be contacted.
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 the law.

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 an exclusive right that is allegedly infringed.

Upon receipt of the written Notification containing the information described in 1 through 6 above, Service Provider will at their discretion:

1. Take reasonable steps to promptly notify the subscriber of the infringement.
2. Repeated violation of this policy and Twin Valley's Acceptable Use Policy may result in remedial action, up to and including suspension of Internet service.

### **Counter Notification:**

If a notice of copyright infringement has been filed against you, you may file a Counter Notification with a Service Provider's Designated Agent. In order to be effective, a Counter Notification must be written and include substantially the following:

1. A physical or electronic signature of the subscriber.
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 the subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.
4. The subscriber's name, address, and telephone number, and a statement that the subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the address is located, or if the subscriber's address is outside of the United States, for any judicial district in which the Service Provider may be found, and that the subscriber will accept service of process from the person who provided Notification or an agent of such person.

Upon receipt of a Counter Notification containing the information as outlined in 1 through 4 above, Service Provider may, at their discretion:

1. Promptly provide the complaining party with a copy of the Counter Notification;
2. Replace the removed material or cease disabling access to the material within 10 to 14 business days following receipt of the Counter Notification, unless the Service Provider's Designated Agent first receives notice from the complaining party that an action has been filed seeking a court order to restrain alleged infringing party from engaging in infringing activity relating to the material on Service Provider's system or network.

**NOTE:** Under the DCMA, claimants who make misrepresentations concerning copyright infringement may be liable for damages incurred as a result of the removal or blocking of the material, court costs, and attorneys' fees. See Title 17, United States Code, Section 512(f).

**NOTE:** The information on this page is provided to you for informational purposes

only and is not intended as legal advice. If you believe your rights under U.S. Copyright law have been infringed, you should consult an attorney.