

## Delcambre DMCA Policy:

The Digital Millennium Copyright Act (“DMCA”), signed into law on October 28, 1998, amended the United States Copyright Act, Title 17 of the U.S. Code, to provide in part certain limitations on the liability of online service providers (OSPs) for copyright infringement. Subsection 512(c) of the Copyright Act provides limitations on service provider liability for storage, at the direction of a user, of copyrighted material residing on a system or network controlled or operated by or for the service provider, if, among other things, the service provider has designated an agent to receive notifications of claimed infringement by providing contact information to the Copyright Office and by posting such information on the service provider’s website in a location accessible to the public. In accordance with the DMCA, Delcambre Communications has filed with the United States Copyright Office the necessary agent of notification information. The DMCA permits copyright owners to notify Delcambre Communications if they believe a Delcambre Communications customer has infringed their work(s). When Delcambre Communications receives a notice from a copyright owner, Delcambre Communications will notify the identified customer of the alleged infringement claim by providing them a copy of the notice. Delcambre Communications responds expeditiously to notices of claimed copyright infringement and will take the necessary steps to terminate users or account holders who are “repeat infringers” as required by law.

### **Procedure for Submitting a Copyright Infringement Claim**

Delcambre Communications has registered a designated agent to receive notices of claimed copyright infringement with the U.S. Copyright Office. Under the DMCA, copyright owners have the right to notify Delcambre Communications if they believe a Delcambre Communications customer has infringed the copyright owner's work(s). If you believe a Delcambre Communications' customer has utilized your work in a way that constitutes copyright infringement, you may file a Notification of Claimed Infringement with Delcambre Communications' designated copyright agent. The DMCA provides the following procedure for parties to follow who wish to file a Notification of Claimed Infringement with Delcambre Communications.

To serve a Notification of Claimed Infringement on Delcambre Communications send your Notification to:

Designated Agent:

Attn: Internet Service Department

Delcambre Telephone Co, LLC

110 West Main Street

Delcambre, LA 70528

Telephone Number: 337-685-2311

Email address: ddooley@delcambre.net

To be effective under the DMCA, the Notification of Claimed Infringement must be a written communication provided to Delcambre Communications' designated copyright agent and must include the following information:

1. A physical or electronic signature of a person authorized to act on behalf of the owner of the infringed copyright.
2. Identification of the copyrighted work or works claimed to have been infringed.

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 the infringing IP address, time, date, and the time zone to permit Delcambre Communications to locate the appropriate account.
4. Information reasonably sufficient to permit Delcambre Communications to contact the complaining party (e.g., the address, telephone number, or email 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 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 a Notification of Copyright Infringement from a copyright owner that contains the required information described in 1 through 6 above, Delcambre Communications will notify the customer of the alleged infringement and remove or disable access to the material that is alleged to be infringing if hosted on a Delcambre Communications domain. No personally identifiable information or customer information is shared with the copyright owner unless required by law.

If Delcambre Communications receives more than one Notice of Copyright Infringement on the customer's part, the customer may be deemed a 'repeat copyright infringer.' Delcambre Communications reserves the right to terminate the accounts of 'repeat copyright infringers.'

### **Procedure to File a DMCA Counter-Claim**

If you have received a notice of copyright infringement and you believe that a copyright holder has accused you in error, you may file a DMCA Counter-Claim with Delcambre Communications' designated copyright agent.

To be effective, a Counter-Claim must be a written communication provided to Delcambre Communications' designated copyright agent and must include the following information:

1. A physical or electronic signature of the subscriber.
2. The subscriber's name, address, and telephone number.
3. 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.
4. 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.
5. 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 party who submitted the takedown notice or an agent of such party.

Upon receipt of a DMCA Counter-Claim, Delcambre Communications will provide the complaining party with a copy of the DMCA Counter-Claim. When Delcambre Communications receives a Counter-Claim that meets the

requirements of the DMCA, Delcambre Communications will process the Counter-Claim in accordance with the requirements of the DMCA.

## Notification Process

1 <sup>st</sup> Warning	Educational	Email or letter sent to customer explaining the issue and how to prevent it in the future.
2 <sup>rd</sup> Warning	Acknowledgement	Email or letter sent to customer explaining the issue and how to prevent it in the future. Call to customer to confirm acknowledgement of infringement claim.
3 <sup>rd</sup> Warning	Mitigation	Account suspension. Customer must call in and acknowledge understanding of infringement claims and DMCA policy. Account re-instated upon acknowledgement. Any additional infringement claims result in account termination.

- Each Warning will "roll up" all infringement notices received in a 1 week period.
- Warning process starts over after 12 months without an infringement notice.
- If appeal is successful the warning process starts over or reverts to previous Warning in the process.

### Note to Claimants and Agents:

- Complaints that are received and cannot be determined to be an actual subscriber of Delcambre Communications will be discarded
- Complaints sent to any addresses other than the specified addresses in our filing with the US Copyright Office or our DMCA Policy will be discarded.

**NOTE:** The information on this page is provided to you for informational purpose only, and is not intended as legal advice. If you believe your rights under United States copyright law have been infringed, you should consult with your attorney.