



Copyright Infringement Policy
Updated December 15, 2022

North Texas Telephone Company (“NTT Fiber” or the “Service Provider”) respects the intellectual property rights of third parties, including rights granted under the US copyright laws, and the interests of its subscribers and content providers on the Internet. You may not use Service Provider’s network, systems or servers to transmit, upload, download, store, disseminate, post or submit any material, content, images or data in any manner that constitutes an infringement of third party intellectual property rights, including under the US copyright laws. Service Provider assumes no responsibility, and you assume all risks, regarding the determination of whether material is in the public domain or may be used by you for such purposes.

You understand and agree that all use of the Internet service provided by Service Provider is subject to the terms of Service Provider’s Copyright Infringement Policy and Copyright Notification Policy, as detailed herein, and incorporated by reference into the Terms and Conditions of Use for Internet and Service Provider’s Acceptable Use Policy (“AUP”). From time to time we may revise these terms, effective upon posting of such revisions to our website.

DMCA Compliance and Copyright Notification Policy

The Digital Millennium Copyright Act of 1998 (“DMCA”) provides that owners of copyrighted works who believe that their rights under US copyright law have been infringed may report alleged infringements to services providers like NTT Fiber when use of the Internet service involves system caching, information residing on systems or networks at the direction of users, or information location tools, or more generally when a customer is storing or hosting content on Service Provider’s equipment. In addition, under its Copyright Notification Policy, Service Provider voluntarily accepts and processes allegations of infringement over peer-to-peer technologies by a customer’s use of Service Provider’s transitory network communications services, so long as the content provider, or its agent, submitting such allegation abides by Service Provider’s business rules.

DMCA

In accordance with the DMCA and other applicable law, it is the policy of Service Provider to terminate, in appropriate circumstances, the Internet service provided to any subscriber or account holder who is deemed to infringe third party intellectual property rights, including repeat infringers. Service Provider may limit, suspend or terminate your service at any time, with or without notice to you. It is also Service Provider’s policy to remove or disable access to any material claimed to be infringing by a copyright owner that is residing at the direction of a subscriber on Service Provider’s system or network.

Copyright Notification Policy

Service Provider's Copyright Notification Policy is to inform you about alleged copyright infringement occurring on your Internet service account (like unlawful video or audio file sharing) so that you, as the account owner, can take steps to prevent any future possible infringement. File sharing copyrighted material without the permission of the copyright owner or its authorized representative is in many instances unlawful and can subject infringers to potential civil and criminal liability. We will inform you about possible copyright infringements occurring on your account by sending you email alerts and/or pop-up screens to let you know that your account is potentially being used for copyright infringement.

For Customers who fail to stop the allegedly infringing activity from occurring over their Internet connection and for whom NTT Fiber continues to receive copyright notifications, we will take the following action:

- 1st offense – Customer will be emailed a letter with a warning stating service will be suspended if the allegedly infringing activity continues.
- 2nd offense - Customer will be emailed a letter with a warning stating service will be suspended if the allegedly infringing activity continues.
- 3rd offense – Customer will be emailed a letter with a warning stating service will be suspended if the allegedly infringing activity continues.
- 4th offense – NTT Fiber will suspend services.

Use of NTT Fiber's services, systems, and network constitutes your understanding and agreement to this AUP.

It is also Service Provider's policy to inform you about claims that you have stored material or caused material to reside on Service Provider's system or network that infringes on copyrights. We will promptly remove or disable access to such stored material, and we will notify you that we have removed or disabled access to such stored material when we notify you about the claim.

The unlawful use of copyrighted materials violates Service Provider's Terms and Conditions of Use for Internet and Acceptable Use Policy, which can be found on Service Provider's website.

Identifying Possible Copyright Infringer Account

Copyright owners use certain automated techniques to identify Internet users who they believe are engaged in possible copyright infringement, including illegal file sharing. When they find this kind of activity, the copyright owners send Service Provider the name of the copyrighted work alleged to be infringed and the Internet Protocol ("IP") address of the computer that is suspected of sharing copyrighted content. Service Provider matches the IP address to the specific customer who was assigned that IP address at the time of the activity, and then notifies our customer of the possible copyright infringement.

Copyright Infringement and Your Privacy

Copyright owners do not know the actual identity of the user assigned to the IP address associated with the activity that they believe may be illegal. While Service Provider may know which customer was assigned to the IP address, Service Provider does not share that information with the copyright owners. Service Provider will always respect your privacy and will not share information that identifies you personally or provide your identity to copyright owners without a legal requirement to do so, such as a subpoena or court order.

Your Rights Regarding Removed or Disabled Material

If Service Provider has removed or disabled access to material that you have stored or caused to reside on our system or network as a result of a claim by a copyright owner that the material is infringing, you may provide Service Provider a counter notification, and Service Provider will provide that counter notification to the person who notified Service Provider about the alleged infringement. Service Provider will replace the removed material or cease disabling access to it in not less than 10 business days and not more than 14 business days unless Service Provider receives a notice from the person who submitted the alleged infringement claim that such person has filed an action seeking a court order to restrain subscriber from engaging in infringing activity related to the material stored or residing on Service Provider's system or network at subscriber's direction.

Subscriber's counter notification to Service Provider must be in writing and sent to Service Provider's designated agent, as identified below. The counter notification must be in writing and must contain the following minimum elements required by the DMCA: (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; and (4) the subscriber's name, address, and telephone number, and a statement that the subscriber consent 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 of the alleged copyright infringement for material stored or caused to reside on Service Provider's system or network at direction of the subscriber.

Designated Agent: Copyright Manager

Postal Address:

Attn: Copyright Manager
6100 Highway 16 South
DeLeon, TX 76444

Facsimile: (254) 893-8001

Telephone Number: (254) 893-1000

Email Address: sysadmin@totalcom.net

Service Provider's Procedures for Making Claims of Copyright Infringement

Service Provider respects the owners of copyright materials and their rights under federal law. We do not permit our service to be used to infringe copyrights. If one of our Internet subscribers is alleged to be an infringer, we will take actions to attempt to stop such conduct, including and up to terminating the service of a repeat infringer in appropriate circumstances.

NTT Fiber and certain affiliates and subsidiaries are registered under the Digital Millennium Copyright Act of 1998 ("DMCA"). If, as a copyright owner, you believe that a subscriber of NTT Fiber or any of its affiliates or subsidiaries has used material that infringes an exclusive right you have with respect to such material, you or your authorized agent may file a Notice of Claimed Infringement with us. The Notice of Claimed Infringement must be sent to our designated agent identified below.

Notices must be in writing and must contain the following minimum elements required by the DMCA: (1) a physical or electronic signature of a person authorized to act on your behalf as the owner of an exclusive right that is allegedly infringed; (2) identification of the copyrighted work claimed to have been infringed, or a representative list if multiple copyrighted works at a single online site are covered by a single notification; (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, along with the infringing IP address, and time, date, and the time zone during which such allegedly infringing activity occurred, to permit us to locate the material; (4) information reasonably sufficient to permit us to contact you, the copyright owner, or your authorized agent, such as an address, telephone number and, if available, an electronic mail address at which you or your authorized agent may be contacted; (5) a statement that you or your authorized agent has a good faith belief that use of the material in the manner complained of is not authorized by you, your agent, or the law; (6) a statement that the information in the notification is accurate, and under penalty of perjury, that you are the owner or authorized to act on behalf of the owner of an exclusive right that is allegedly infringed. [SEP]

Designated Agent: Copyright Manager

Postal Address:

Attn: Copyright Manager
6100 Highway 16 South
DeLeon, TX 76444

Facsimile: (254) 893-8001

Telephone Number: (254) 893-1000

Email Address: sysadmin@totalcom.net

Upon receipt of a Notice of Claimed Infringement from a copyright owner that contains all required information, if we have sufficient information to identify the subscriber, we will follow our Copyright Infringement Policy by notifying the subscriber of the alleged infringement and taking other action as appropriate, consistent with our policy. No personal, subscriber information is shared with the copyright owner unless required by law.