



Digital Millennium Copyright Act (DMCA) policy

The **Digital Millennium Copyright Act of 1998** is an amendment to U.S. copyright law. It is designed to limit liability of a Service Provider for content placed on the provider's system or network by a user.

The text of the DMCA can be viewed at <http://lcweb.loc.gov/copyright/title17/>. The relevant section of the DMCA is "TITLE II--ONLINE COPYRIGHT INFRINGEMENT LIABILITY LIMITATION," especially all of section 512.

Under the provisions of the DMCA DSLWest, LLC (DSLWest), as a Service Provider, must do certain things:

1. Inform our users and the general public of our [policy for handling claims of infringement](#)
2. Designate an agent, registered with the [U.S. Copyright Office](#), who will receive claims of copyright infringement, receive counterclaims, and take down and/or restore content that is or has been in dispute
3. Make this information publicly available to all

Policy for handling claims of infringement

Any original material created by either an individual or group is protected by both United States and international copyright or intellectual property rights [law](#). Broadly speaking, this means that any original written material, material created as a recording, or as an original image, is protected from unauthorized use by others.

In the same way that the law protects your original material from unauthorized use by others, their material is also protected. It is their property and you may not use it without permission. Doing so may invite lawsuits claiming infringement. This includes written works, email, images, sounds, etc., whether online or on paper.

As an Internet Service Provider and under the provisions of the DMCA, DSLWest may be obligated to take down materials that our users have posted if a claim of infringement is received. This process includes a counter-claim process.

How to report a claim of infringement

Section 512 (c)(3)(A) of the Digital Millennium Copyright Act requires that a claim of copyright infringement must be sent to our designated agent. The claim *must* provide certain information (detailed below) in order for it to be considered a valid claim.

DMCA Section 512 (c)(3)(A)

Elements of Notification.

(A) To be effective under this subsection, a notification of claimed infringement must be a written communication provided to the designated agent of a service provider that includes substantially the following:

(i) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

(ii) 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.

(iii) 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.

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(iv) 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.

(v) 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.

(vi) 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.

When filing an infringement claim, include all of the information required under Section 512 (c)(3)(A). Your claim must include any URLs or other information identifying the material, and the dates and times the material was observed.

Web and Peer-to-Peer claims must include, at a minimum:

- An exact URL or IP address
- Date the content was first observed
- Information sufficient to identify the specific content which is the subject of the complaint

Usenet claims must contain, at a minimum:

- Newsgroup
- Message-id
- Subject:
- Date of posting
- Information sufficient to identify the specific content which is the subject of the complaint

Email or postal-mail the information to our Designated Agent.

Upon receipt of a valid claim, i.e., a claim in which the requested information is substantially provided, DSLWest will undertake to have the disputed material removed from public view until a counter-claim is filed or until a court ruling determining the disposition of the disputed material is received. Under the provisions of the DMCA DSLWest, as an Internet Service Provider, has no other role to play either in prosecuting or defending a claim of infringement, and cannot be held accountable in any case for damages regardless of whether a claim of infringement is found to be true or false.

Section (512) (f) of the DMCA defines penalties for intentional misrepresentation of a claim.

How to make a counter-claim

If you are a DSLWest customer and you feel that material that you have placed online that has been removed following an infringement complaint is in fact NOT an infringement, you may file a counter-claim. Section 512 (g)(3) of the Digital Millennium Copyright Act requires that any counter-claim to a claim of copyright infringement must be sent to our designated agent. The counter-claimant must provide certain information (detailed below) in order for the counter-claim to be considered valid.

Section 512(g)(3)

(3) Contents of Counter Notification.-To be effective under this subsection, a counter notification must be a written communication provided to the service provider's designated agent that includes substantially the following:

(A) A physical or electronic signature of the subscriber.

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(B) 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.

(C) 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.

(D) 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 under subsection (c)(1)(C) or an agent of such person.

When identifying the material in dispute please state as accurately as possible what location the material was removed from and to where it should be returned.

The counter-claim will be presented to the filer of the infringement complaint by DSLWest's Designated Agent. Once the counter-claim has been delivered, DSLWest is allowed under the provisions of the DMCA to restore the removed content in not less than ten or more than fourteen days, unless the complaining party serves notice of intent to obtain a court order restraining the restoration of content pending legal proceedings.

Our Designated Agent

<i>Internet Service Provider:</i>	DSLWest, LLC
<i>Address of Internet Service Provider:</i>	P.O. Box 486 Pollock Pines, CA 95726
<i>Designated Agent:</i>	Vernon E. Peets
<i>Designated Agent full address:</i>	P.O. Box 486 Pollock Pines, CA 95726
<i>Designated Agent phone number:</i>	(530) 344-7083
<i>Designated Agent email address:</i>	dmca-agent@dslwest.com