

## **E-13 Digital Millennium Copyright Act Compliance (created 10-1-23)**

**Policy Purpose:** Internet Service Providers (ISP's) under the Digital Millennium Copyright Act ("DMCA") are required to maintain policies and procedures related to acceptable use and offender procedures relating to violation of law. The DMCA provides protection against such copyright claims provided that ISPs take the necessary steps to avail themselves of the protection. This policy outlines the Cooperatives acceptable use policy for residential and business consumers, as well as procedures related to repeat offenders.

### **Acceptable Use Policy**

The Cooperative strives to ensure customers are complying with laws relating to acceptable use of Internet and Bandwidth. To ensure customers have real-time access to the most current version of the Acceptable Use Policy, the policies for customers are posted on the Websites of both the Cooperative and MTC Communications, Inc. Links to the current policies are as follows:

- For residential subscribers: [ACCEPTABLE USE POLICY \(mdtc.net\)](#)
- For business subscribers: [ACCEPTABLE USE POLICY \(mdtc.net\)](#)

### **Repeat Infringer Policy**

Violators of the Acceptable Use policy will be subject to the below repeat offender policy and escalation plan. To ensure customers have real-time access to the most current version of the policy, the policy is posted on the Websites of both the Cooperative and MTC Communications, Inc. [MDTC Regulatory | McDonough Telephone Cooperative](#)

McDonough Telephone Cooperative and MTC Communications, Inc. respects the intellectual property rights of third parties, including those granted under the US copyright laws, and the interests of its subscribers and content providers on the Internet.

Customers of McDonough Telephone Cooperative and MTC Communications, Inc. may not store material of any type or in any format on, or disseminate such material over, McDonough Telephone Cooperative or MTC Communications, Inc.'s systems or servers in any manner that constitutes an infringement of third-party intellectual property rights, including rights granted under the US copyright laws. In accordance with the Digital Millennium Copyright Act ("DMCA") and other applicable law, it is the policy of McDonough Telephone Cooperative and MTC Communications, Inc. to terminate, in appropriate circumstances, the Services provided to any subscriber or account holder who is deemed to infringe third party intellectual property rights, including repeat infringers.

Appropriate circumstances may exist to terminate services where: (i) a subscriber or account holder has been found by a court of competent jurisdiction to have infringed the copyrights of a third party on two or more occasions, i.e., a repeat infringer, (ii) where a valid, effective and uncontested notice has been provided to MTC Communications, Inc. alleging facts which are a violation by the subscriber or account holder of MTC Communications, Inc.'s DMCA Policy prohibiting infringing activity involving McDonough Telephone Cooperative and MTC Communications, Inc. systems or servers, or (iii) in other cases of repeated flagrant abuse of access to the Internet (e.g., willful commercial piracy or malicious attempts to destroy the value of copyrighted works). In addition, McDonough Telephone Cooperative and MTC Communications, Inc. expressly reserves the right to terminate or suspend the Services of any subscriber or account holder if McDonough Telephone Cooperative and MTC Communications, Inc., in its sole judgment, believes that circumstances relating to the infringement of third-party intellectual property rights warrant such action. These policies are in addition to and do not affect or modify any other rights McDonough Telephone Cooperative and MTC Communications, Inc. may have under law or contract. Disconnected customers, if reconnected, will be responsible for paying all reconnection fees and ensuring their account continues to be used appropriately.

Customers represent that they are not a specifically designated individual or entity under any US embargo or otherwise the subject, either directly or indirectly (by affiliation, or any other connection with another party) to any order issued by any agency of the US Government limiting, barring, revoking or denying, in whole or in part your US export privileges. Customers agree to notify McDonough Telephone Cooperative and MTC Communications, Inc. if the customer becomes subject to any such order. Customers agree to obtain all required permissions if customers use the Service to receive, upload, download, display, distribute, or execute software or perform other works protected by intellectual property laws including copyright, trademark, trade secret and patent laws. Customers agree to cooperate with McDonough Telephone Cooperative and MTC Communications, Inc. and provide requested information in connection with all security and use matters.