



## **FTC Copyright Infringement Policy** Digital Millennium Act of 1998

**Rev: August 13, 2024**

Farmers Telephone Cooperative, Inc. (“FTC”) 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 FTC’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. FTC 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.

FTC is committed to complying with U.S. copyright and related laws, and expects all of our customers, users, and visitors to comply with these laws. All FTC services are furnished subject to the condition that such services will not be used for any unlawful purpose. FTC reserves the right to discontinue services after receiving proper written notice if any enforcement agency, acting within its apparent jurisdiction, advises that such service is being used in violation of the law. FTC further reserves the right to refuse to furnish service when it has reasonable grounds to believe that such service will be used in violation of the law. FTC shall in no event be liable for any damage resulting from any action taken or threatened pursuant infringement of local, state, or federal law.

Furthermore, users may not store any material or content on, or access, share, or disseminate any material or content over, any of our product or service offerings that in any manner that infringes upon third party intellectual property rights, including U.S. copyright rights. FTC complies with the Digital Millennium Copyright Act (“DMCA”) and provides a method for copyright owners to communicate information about alleged infringements to us, and for us to inform our users about them, as further described below. Users may receive notices if their FTC account is identified by a copyright owner as having been used in connection with acts of alleged copyright infringement.

You understand and agree that any and all use of the Service, as defined in the FTC’s Terms of Service, is subject to the terms of FTC’s Copyright Infringement Policy and Copyright Notification Policy, as detailed herein, and incorporated by reference into FTC’s Terms of Service and Acceptable Use Policy (“AUP”), which are available on FTC’s website. From time-to-time FTC may revise these terms, effective upon posting of such revisions to our website.

# **DMCA COMPLIANCE AND COPYRIGHT NOTIFICATION POLICY**

## **For Subscribers**

### **DMCA Explanation**

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.

FTC has filed with the United States Copyright Office the necessary agent of notification information. The DMCA permits copyright owners to notify FTC if they believe an FTC customer has infringed their work(s). When FTC receives a notice from a copyright owner, FTC will notify the identified customer of the alleged infringement claim by providing them with a copy of the notice so that you, as the account owner, can take steps to prevent any future possible infringement.

In accordance with the DMCA and other applicable law, it is the policy of FTC 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. FTC may limit, suspend or terminate your service at any time, with or without notice to you. It is also FTC’s policy to remove or disable access to any material claimed to be infringed by a copyright owner, that is residing at the direction of a subscriber on FTC’s system or network. The unlawful use of copyrighted materials violates FTC’s Terms of Service and Acceptable Use Policy, which can be found on FTC’s website.

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 FTC 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. FTC 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 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 FTC may know which customer was assigned to the IP address, FTC does not share that information with the copyright owners. FTC 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.

### **Acknowledgment of Claims**

Upon receipt of a Notification of Copyright Infringement from a copyright owner that contains the required information to constitute a valid claim, FTC 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 an FTC domain. FTC reserves the right to terminate the accounts of repeat copyright infringers pursuant to the terms of its stated DMCA policy.

## FTC REPEAT INFRINGER POLICY FOR SUBSCRIBERS

As an Internet service provider, FTC typically receives notifications of alleged infringement from content owners that include a non-personally identifying set of numbers (known as an Internet protocol or IP address). This IP address is visible to third parties on the Internet and is associated with activity that the copyright owner alleges is infringing.

If FTC can match the IP address on the date and time listed in the content owner's notification with our records, then we may generate a DMCA notification to our customer whose account was assigned that IP address, as well as a repeat infringer notice (if applicable).

We do not disclose any information about a customer's identity to content owners under the DMCA (unless there is a valid court order requiring FTC to do so).

FTC treats any customer account for whom we receive multiple DMCA notifications from content owners as a repeat infringer in accordance with our DMCA Repeat Infringer Policy. FTC places accounts of customers for whom we receive multiple DMCA notifications of alleged infringement into a multi-step DMCA Repeat Infringer Policy. Upon receipt of repeated DMCA notifications in a calendar month, the customer account will progress from one policy step to the next one.

Actions that we may take under the DMCA Repeat Infringer Policy include sending notice to the account holder of the account's customer of record. Notices may include, but not be limited to, an email alert to the preferred email address on the account, a letter to the address listed on the account, a phone call to the contact number listed on the account, or a recorded message to the contact number listed on the account.

Additionally, we may lock the user's internet browsers, suspend, and/or ultimately disconnect, the FTC Internet service of any customer for whom we have continued to receive DMCA notifications of alleged infringement even after we have sent repeat infringer alerts. As such, FTC may terminate in our sole discretion other FTC services provided to these customers when we terminate the Internet service under this policy.

**If the FTC Internet service is suspended, the customer will have no Internet access or service during suspension. This will affect any services and devices that use the Internet such as a computer, tablet, gaming console, internet-based telephony, cable, or security services.**

If the FTC Internet service is ultimately disconnected, FTC will disconnect Internet service within fourteen (14) days of the final notice made under the DMCA Repeat Infringer Policy. If you also have FTC Internet-based cable services, they will be terminated at the same time. When services are cancelled in connection with the Repeat Infringer Policy, any early termination fees may apply and unreturned equipment charges will apply. Additionally, FTC reserves the right to keep the account disconnected for up to one hundred and eighty (180) days.

If available, the customer has the right to restore Digital TV and voice services on a platform which is not Internet based. Any installation and equipment charges will be applicable at such time.

## Subscriber Escalation Process

|                          |                 |  |
|--------------------------|-----------------|--|
| <b>Escalation Levels</b> |                 |  |
| <b>1st Warning Level</b> | Educational     | Email or letter sent to customer explaining the issue and how to prevent it in the future.                             |
| <b>2nd Warning Level</b> | Acknowledgement | Email or letter sent to customer explaining the issue and how to prevent it in the future.                             |
| <b>3rd Warning Level</b> | Mitigation      | Account suspension until customer contacts FTC to acknowledge understanding of the infringement claim and DMCA policy. |
| <b>4th Warning Level</b> | Termination     | Account termination for egregious repeat offenders.  |

- Each Warning level will "roll up" all infringement notices received in a 30-day period
- Warning process starts over after 6 months without an infringement notice
- Termination of the account is effective for up to a six-month period.
- If the appeal is successful, the warning process starts over or reverts to previous Warning level

## Valid Counter-Claims

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 FTC's designated copyright agent. To be effective, a Counter-Claim must be a written communication provided to FTC's 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, FTC will provide the complaining party with a copy of the DMCA Counter-Claim. When FTC receives a Counter-Claim that meets the requirements of DMCA, FTC will process the Counter-Claim in accordance with the requirements of DMCA.

If FTC 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 FTC a counter notification, and FTC will provide that counter notification to the person who notified FTC about the alleged infringement. FTC 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 FTC 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 FTC's system or network at subscriber's direction.

## **Designated Agent for Subscriber Counter Notifications**

Designated Agent:  
Attn: Safety & Security Department  
Farmers Telephone Cooperative  
P.O. Box 588  
Kingstree, SC 29556  
Telephone Number: 843-382-1459  
Email Address: [ftcdmca@ftc-i.net](mailto:ftcdmca@ftc-i.net)

Under the DMCA, anyone who knowingly makes misrepresentations regarding alleged copyright infringement may be liable to FTC, the alleged infringer, and the affected copyright owner for any damages incurred in connection with the removal, blocking, or replacement of allegedly infringing material in accordance with U.S. copyright law, which provides substantial penalties for a false counter notice filed in response to a notice of copyright infringement.

## **PROCEDURES FOR COPYRIGHT OWNERS TO MAKE CLAIMS OF COPYRIGHT INFRINGEMENT**

FTC respects the owners of copyright materials and their rights under federal law. We do not permit our service to be used to infringe copyrights. Using FTC services to transmit any material (by email, uploading, posting or otherwise) that infringes any copyright, trademark, patent, trade secret, or other proprietary rights of any third party, including, but not limited to, the unauthorized copying of copyrighted material, the unauthorized transmittal of copyrighted software, the digitization and distribution of photographs from magazines, books, or other copyrighted sources, is a violation of FTC's Acceptable Use Policy and appropriate action will be taken in accordance with that Policy.

The DMCA can be accessed by going to U.S. Copyright Office Web Site, [www.copyright.gov/legislation/dmca.pdf](http://www.copyright.gov/legislation/dmca.pdf). Under the DMCA, copyright owners may contact the authorized agent of FTC to report alleged infringements of their protected works by those who subscribe to FTC's ISP for Internet connection purposes. 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.

FTC and certain affiliates and subsidiaries are registered under the Digital Millennium Copyright Act of 1998 ("DMCA"). FTC has registered its designated agent with the United States Copyright office complying with U.S. copyright law under the DMCA.

If, as a copyright owner, you believe that a subscriber of FTC 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. If you are the owner of a copyrighted work who believes that your rights under U.S. copyright law have been infringed by any material on our offerings, you can report that to us by sending our authorized agent a notification of claimed infringement.

When we receive a notice of claimed infringement that satisfies the requirements of the DMCA, we will respond expeditiously to either directly or indirectly remove the allegedly infringing work(s) residing on our offerings or disable access to the work(s) residing on our offerings, if applicable. FTC may, in appropriate circumstances and its discretion, disable and/or terminate the accounts of users who may be repeat infringers. We will also notify the affected user when we take any of these situations. Copyright owners should know that in some cases users of our offerings may be unregistered and anonymous, such as visitors to a website. In those cases, our ability to process and act on a DMCA notification may be limited or unavailable. FTC will not however be a party to disputes over alleged copyright infringements.

## **Procedure for Submitting Claims**

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

Send your Notification of Claimed Infringement on FTC to:

Designated Agent:  
Attn: Safety & Security Department  
Farmers Telephone Cooperative  
1101 East Main Street  
Kingstree, SC 29556  
Telephone Number: 843-382-1459  
Email Address: [ftcdmca@ftc-i.net](mailto:ftcdmca@ftc-i.net)

## **Valid Claims**

To be effective under DMCA, the Notification of Claimed Infringement must be provided in writing to FTC's 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 FTC to locate the appropriate account.

4. Information reasonably sufficient to permit FTC 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 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.