



INTERMEDIA

INTERMEDIA.NET, INC.

DMCA POLICY

Intermedia is committed to helping parties protect their intellectual property rights. Under the provisions of the Digital Millennium Copyright Act (DMCA), copyright owners have an opportunity to protect their rights in copyrighted content by notifying a service provider about conduct which they believe to be an infringement of such rights and making a demand that the allegedly infringing content be removed.

- *To notify Intermedia of an alleged copyright infringement*, follow the instructions in Part I.
- *If you are responding to an allegation of infringement*, follow the instructions in Part II.

PART I. Sending Notification of Alleged Infringement

A. Sending Your Notification

If you have a good faith belief that material on a system or network controlled or operated by Intermedia infringes your exclusive copyright, Intermedia requires that you provide written notification to Intermedia's designated agent via email, fax or mail at the address in Part III.

To be effective, a written notification must include all of the following information:

1. **Signature.** A physical or electronic signature of the owner, or a person authorized to act on behalf of the owner, of an exclusive copyright that is allegedly infringed;
2. **Information about your copyright.** 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 on that site;
3. **Information about the allegedly infringing material.** 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 Intermedia to locate the material;
4. **Contact information.** Information reasonably sufficient to permit Intermedia to contact you, such as an address, telephone number, and, if available, an electronic mail address at which you may be contacted;
5. **Statement of good faith.** 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; and
6. **Statement of authorization.** A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is the owner, or is authorized to act on behalf of the owner, of an exclusive right that is allegedly infringed.

B. After Intermedia Receives Your Notification

1. If you provide Intermedia with effective notification, then Intermedia will:
 - Reply to you to confirm receipt of the notification;
 - Forward a copy your written notification to the alleged infringer requesting removal of the allegedly infringing material within 24 hours; and
 - Disable access to the allegedly infringing material or the alleged infringer's account if the alleged infringer fails to remove such material within 24 hours of Intermedia's notification.
2. An alleged infringer may send Intermedia a Counter Notification in response to your notification (see Part II below). If Intermedia notifies you that it has received a Counter Notification, Intermedia will re-enable the allegedly infringing material or account within 10-14 business days following receipt of the Counter Notification **UNLESS** Intermedia receives a written notification from you that you are seeking a court order to restrain the alleged infringer from engaging in the infringing activity (an "Action Notification"). **Your Action Notification must be received by Intermedia prior to Intermedia's re-enabling the account or re-enabling access to the material.** Following timely receipt of your notification of filing an action, Intermedia will promptly:
 - Inform the alleged infringer of the complaining party's notification of filing an action seeking a court order and that access to the account or material will remain disabled; and
 - Refrain from re-enabling the alleged infringer's access to the account or information.

PART II. Responding to a Notification of a Claim of Copyright Infringement

A. Sending Counter Notification

If you have received a notification alleging copyright infringement and you believe in good faith that the allegedly infringing material that has been removed or to which access has been disabled was done so by mistake or misidentification, you may provide Intermedia with a counter notification ("Counter Notification") by sending it to Intermedia's designated agent via email, fax or mail at the address in Part III.

To be considered effective, the written Counter Notification to Intermedia's designated agent must include all of the following information:

- **Signature.** Your physical or electronic signature;
- **Identification of allegedly infringing material.** 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.
- **Statement of good faith.** A statement under penalty of perjury that the alleged infringer has a good faith belief that the material was removed or access to it was disabled as a result of mistake or misidentification;
- **Contact information.** Information reasonably sufficient to permit Intermedia to contact you, such as an address, telephone number, and, if available, an electronic mail address at which you may be contacted; and
- **Consent.** A statement that the alleged infringer consents to the jurisdiction of the Federal District Court for the judicial district in which your address is located, or if the alleged infringer's

address is outside of the United States, for any judicial district in which Intermedia may be found and that the alleged infringer will accept service of process from the complaining party or an agent of the complaining party.

B. After Intermedia Receives Your Counter Notification

Upon receipt of an effective Counter Notification, Intermedia will:

- Confirm receipt of your Counter Notification;
- Provide the complaining party with a copy of the Counter Notification, and inform the complaining party that Intermedia will replace the removed material or cease disabling access to it within 10 to 14 business days unless the complaining party provides written notification to Intermedia that the complaining party has filed an action in court to restrain access to the allegedly infringing material.
- Replace the removed material and cease disabling access to within 10 to 14 business days following receipt of the Counter Notification, unless Intermedia first receives an Action Notification from the complaining party.

PART III. Designated Agent Contact Information

Designated Agent: Scott Allen
E-mail: legal@intermedia.net
Phone: 650-641-3901
Fax: 650-352-9088

Address:
Intermedia.Net, Inc.
120 W 45th Street, 26th Floor
New York, NY 10036
USA
Attn: DMCA Claims

INTERMEDIA RESERVES THE RIGHT TO TERMINATE ITS RELATIONSHIP WITH ANY CUSTOMER THAT IT PERCEIVES TO BE INFRINGING ANOTHER PARTY'S INTELLECTUAL PROPERTY RIGHTS.

THIS DMCA POLICY IS ADMINISTERED BY INTERMEDIA FOR THE BENEFIT OF BOTH ITS CUSTOMERS AND THE PROTECTION OF THIRD PARTY INTELLECTUAL PROPERTY RIGHTS. INTERMEDIA MAY UPDATE THIS POLICY WITHOUT NOTICE. THE MOST CURRENT VERSION OF THIS POLICY MAY BE FOUND AT INTERMEDIA.NET/LEGAL.