

SOUTH CENTRAL INDIANA RURAL ELECTRIC MEMBERSHIP CORPORATION (“SCI”)

OPERATING PROCEDURES COPYRIGHT INFRINGEMENT

I. Objective:

The Digital Millennium Copyright Act (DMCA) provides a process for a copyright owner to give notification to a service provider, such as SCI, of claimed copyright infringement. In compliance with the DMCA, SCI will respond to proper notifications of claimed infringement and terminate, in appropriate circumstances, the accounts of subscribers who are repeat infringers.

II. Policy:

Pursuant to the DMCA, copyright owners may submit to the designated agent of a service provider a notice of claimed copyright infringement carried out on the service provider’s network or on the service provider’s system.

When SCI receives a proper notification of claimed copyright infringement from a copyright owner or its authorized agent under the DMCA, it will take the following steps:

1. First warning – SCI will send a letter to the member notifying them of the claimed copyright infringement and violation of SCI’s Acceptable Use Policy (AUP) and Terms & Conditions of Service (T&Cs). This letter will also inform them that SCI may suspend or terminate service if violation continues. See Attachment A.
2. Second warning – If there is a second offense in a 12-month period, SCI will send a second warning letter. This letter will notify the member of the claimed copyright infringement and violation of the AUP and T&Cs. The letter will also inform the member that SCI may suspend or terminate service if violation continues. See Attachment A.
3. Final warning – If there is a third offense in a 12-month period, SCI will issue a final warning letter to the member. This letter will be sent via certified mail. This letter will notify the member of the claimed copyright infringement and violation of the AUP and T&Cs. The letter will also inform the member that SCI may suspend or terminate service if violation continues. See Attachment B.
4. Notice of termination – If there is a fourth offense in a 12-month period, SCI will terminate the member’s service and send a letter to the member via certified mail. This letter will notify the member that their account has been terminated effective immediately and that all equipment should be returned to SCI. See Attachment C.

SCI reserves the right to act immediately and without notice to suspend or terminate services in response to a court order or other legal requirement that certain conduct be stopped or when SCI determines that the allegedly infringing conduct may:

- Expose SCI to sanctions, prosecution or civil action;
- Cause harm to or interfere with the integrity or normal operations of SCI's network or facilities;
- Interfere with another person's use of SCI Services or the Internet;
- Damage or disparage the reputation of SCI or its services; or
- Otherwise present a risk of harm to SCI or SCI's customers or their employees, officers, directors, agents, or other representatives.

If SCI's designated agent receives an effective counter notification from a member under the DMCA, SCI will replace any removed material and/or restore access to the member's Service, if the member's account has been suspended or terminated, between 10 and 14 business days following receipt of the counter notice, unless as otherwise provided by law.

III. Record Retention:

All copyright infringement notifications received and related supporting documentation shall be kept in a vault at SCI headquarters for five years.

All related correspondence with the member shall be retained in SCI's imaging system for a minimum of five years.

A database that includes, account number, date of notification, and other pertinent information, will also be kept of all Copyright Infringement Notifications.

IV. Responsibility:

The Policy Enforcement Committee is listed as the FCC and ISP designated agent and will be the primary point of contact for all copyright infringement notifications and may be contacted at copyright@scifiber.coop. This position, with the help of IT and customer support, is responsible for carrying out the steps of this policy.