



West River Cooperative Telephone Company

801 Coleman Ave • PO Box 39 • Bison, SD 57620

Phone: 605-244-5213 • Fax: 605-244-7288

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DIGITAL MILLENNIUM COPYRIGHT ACT POLICY

West River Cooperative Telephone Company, Inc. including one or more of its affiliates (“West River Cooperative Telephone Company, Inc”), is committed to complying with U.S. copyright and related laws, and requires all customers and users of the Service to comply with these laws. Accordingly, you may not store any material or content on, or disseminate and material or content over, the Service (or any part of the Service) in any manner that constitutes an infringement of third party intellectual property rights, including rights granted by U.S. copyright law. Owners of copyrighted works who believe that their rights on U.S. copyright law have been infringed may take advantage of certain provisions of the Digital Millennium Copyright Act of 1998 (the “DMCA”) to report alleged infringements. It is West River Cooperative Telephone Company, Inc.’s policy in accordance with the DMCA and other applicable laws to reserve the right to terminate the Service provided to any customer or user who is either found to infringe third party copyright or other intellectual property rights, including repeat infringers, or who West River Cooperative Telephone Company, Inc. believes in its sole discretion is infringing these rights. West River Cooperative Telephone Company, Inc. may terminate the Service at any time with or without notice for any affected customer or user.

Copyright owners may report alleged infringements of their work by sending West River Cooperative Telephone Company, Inc.’s DMCA Designated Agent a notification of claimed infringement that satisfies the requirements of the DMCA. Upon West River Cooperative Telephone Company, Inc.’s receipt of a satisfactory notice from a copyright holder or its authorized representative regarding an alleged violation of law by someone using an IP address identified as belonging to West River Cooperative Telephone Company, Inc., the following actions will be initiated:

1. West River Cooperative Telephone Company personnel will review the IP address to determine whether the IP address is in use by West River Cooperative Telephone Company or by one of its owners or affiliates. If the IP address has been assigned to an entity other than West River Cooperative Telephone Company the DMCA notice will be forwarded to that entity for review and any action or response.

2. If the IP address is assigned and used by West River Cooperative Telephone Company, Inc. or one of its customers, West River Cooperative Telephone Company, Inc. personnel will attempt to identify the user. If the offender cannot be identified, the West River Cooperative Telephone Company, Inc. Agent for West River Cooperative Telephone Company, Inc.'s internet site will be notified so they can respond accordingly to the copyright holder or its agent. If the offender is identified, West River Cooperative Telephone Company, Inc. will take the following actions:

a. If the offender is an employee, the responsible supervisor will be notified and appropriate disciplinary action may be warranted. A copy of the violation will be filed by HR in the employee's personnel file.

b. If the offender is a customer, the customer will be notified by telephone and email of the offense. If it is a first time offense, the customer will be notified and advised that an alleged violation of copyright law has been received and that any further violations could affect the customer's access to the internet. Notification of a second offense will result in the same action as the first offense. A third offense may result in notice that internet service will be restricted for ninety (90) days to limit the ability to violate the law. In the event that a customer is notified of alleged infringement four (4) or more times, regardless of whether the infringements are concurrent or sporadic, the customer is deemed to be a repeat infringer and West River Cooperative Telephone Company, Inc. will proceed with throttling service speeds, suspending or terminate that customer's Service account, unless instructed otherwise by federal law or copyright holder.

If you believe that your work has been copied, stored, or transmitted in a way that constitutes copyright infringement, please submit a notification pursuant to the DMCA by providing West River Cooperative Telephone Company, Inc.'s DMCA Designated Agent (contact provided below) the following written information:

1. A physical or electronic signature of a person authorized to act on behalf of the copyright owner of an exclusive right that is allegedly infringed;
2. Identification of the copyright work 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 information reasonably sufficient to permit West River Cooperative Telephone Company, Inc. to locate the material;
4. Information reasonably sufficient to permit West River Cooperative Telephone Company, Inc. 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;
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.

West River Cooperative Telephone Company, Inc. has filed with the United States Copyright Office the necessary designated agent information to facilitate notice of alleged online copyright infringement on our network. Our designated agent for notification of alleged copyright infringement and counter notification is:

Designation of Agent to Receive Notification of Claimed Infringement

FULL LEGAL NAME OF SERVICE PROVIDER: **WEST RIVER COOPERATIVE TELEPHONE COMPANY, INC.**

AGENT NAME AND TITLE, DESIGNEE TO RECEIVE NOTIFICATION OF CLAIMED INFRINGEMENT:
ERIC KAHLER, MANGER OF TELECOM OPERATIONS

FULL ADDRESS OF DESIGNATED AGENT TO WHICH NOTIFICATION SHOULD BE SENT: **PO BOX 39, 801 COLEMAN AVE, BISON, SD 57620**

TELEPHONE NUMBER OF DESIGNATED AGENT: **605-244-5213**

E-MAIL ADDRESS OF DESIGNATED AGENT: **ekahler@wrctc.coop**

You should be aware that complainants who make false claims or misrepresentations concerning copyright infringement may be liable for damages under the DMCA.

Counter-Notification in Response to Claim of Copyright Infringement

If an affected customer or user believes in good faith that the allegedly infringing work have been removed or blocked by mistake or misidentification, then that person may send a counter notification to West River Cooperative Telephone Company, Inc.'s designated agent at the address noted above. Upon West River Cooperative Telephone Company, Inc.'s receipt of a counter notification that satisfies the requirements of DMCA, West River Cooperative Telephone Company, Inc. will provide a copy of the counter notification to the person who sent the original notification of claimed infringement and will follow the DMCA's procedures with respect to a received counter notification. This process will invoke a dispute between you and the complaining party. In all events, you expressly agree that West River Cooperative Telephone Company, Inc. will not be a party to any disputes or lawsuits regarding alleged copyright infringement.

Your counter-notification must be in wringing and contain the following information:

1. A physical or electronic signature of an authorized person;
2. Identification of the material that was removed or access to which was disabled and the location at which

material appeared before it was removed or access to it was disabled;

3. A statement under penalty of perjury that the alleged infringer has a good faith belief that the material was removed or disabled as a result of mistake of misidentification;
4. Your name, address, and telephone number, and a statement that you consent to the jurisdiction of the federal district court for the federal district in which you are located and that you will accept service of process from the complainant.

You should be aware that substantial penalties under U.S. law apply for a false counter-notice filed in response to a notice of copyright infringement.