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EARTHLINK POLICIES & AGREEMENTS

EarthLink Digital Millennium Copyright Act Policy

EarthLink is committed to compliance with copyright law and expects all members and visitors to do the same. The Digital Millennium Copyright Act of 1998 ("DMCA") provides recourse for owners of copyrighted material who believe that their rights under U.S. copyright law have been infringed by means of the Internet. Under the DMCA, copyright owners may notify the designated agent of an Internet service provider about any alleged infringement of their protected works, as appearing on Web pages controlled or operated by the service provider.

Upon receipt of a properly delivered notification satisfying the requirements of the DMCA, EarthLink will take down the allegedly infringing material or disable access to it. If the member who posted the content believes in good faith that the take down or disabling was improper under the DMCA, the member may submit a counter-notification to EarthLink. If the counter-notification is presented in accordance with the requirements of the DMCA, EarthLink will post the disputed content again or re-enable access to it. In all events, EarthLink will not be a party to any dispute between third parties over alleged copyright infringement and will not seek to make an independent determination as to the validity of any claim that is the subject of any DMCA notification.

EarthLink is providing the following information to you for informational purposes only. This information should NOT be construed as legal advice. If you believe that your rights have been violated and to help you understand your legal rights, you may wish to seek legal counsel.

1. Notification of Alleged Copyright Infringement

If you believe that content on a Website hosted by EarthLink or otherwise made available via EarthLink is violating your rights under U.S. copyright law, you may send your DMCA notice to EarthLink's designated agent in the manner described below.

By Mail:	Office of the General Counsel EarthLink, Inc. 1375 Peachtree Street, NW Level A Atlanta, Georgia 30309
By Telephone:	(404) 443-4365
By Fax:	(404) 287-4905
By Email:	dmca@corp.earthlink.net

For your notification to be considered under the DMCA, it must contain all of the following:

1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly being infringed.
2. 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 those works.
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 to which access is to be disabled, and information reasonably sufficient to permit EarthLink to locate the material.
4. Information reasonably sufficient to permit EarthLink to contact the complaining party, such as an address, telephone number and, if available, an 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 applicable 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.

For more details on the information required for valid notification, see 17 U.S.C. 512(c)(3).

You should be aware that, under the DCMA, making a misrepresentation in a DMCA notification concerning copyright infringement may make the notifying party liable for any damages, including costs and attorney's fees, incurred by the alleged infringer, by any copyright owner, by the copyright owner's authorized licensee or by EarthLink.

2. Counter-Notification

If your content has been removed or access to your content has been disabled as a result of a notice of copyright infringement, you may file a counter-notification with EarthLink's designated agent at the address listed above. Your counter-notification must contain all of the following:

1. Your physical or electronic signature.
2. Identification of the material that has been removed or to which access has been disabled and the location where the material appeared before it was removed or access to it was disabled.
3. A statement under penalty of perjury that you have 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.
4. Your name, address, and telephone number, and a statement that you consent to the jurisdiction of the federal district court for the judicial district in which the address is located (or, if your address is outside of the United States, a statement that you so consent as to any judicial district in which EarthLink may be found), and that you will accept service of process from the person, or an agent of the person, who provided the notification.

If EarthLink receives a valid counter-notification, the DMCA provides that the removed material will be restored, or access re-enabled ten to fourteen business days following receipt of the counter-notification.

You should be aware that, under the DMCA, making a misrepresentation in a DMCA counter-notification concerning copyright infringement may make the

notifying party liable for any damages, including costs and attorney's fees, incurred by any copyright owner, by the copyright owner's authorized licensee or by EarthLink.

In addition to the rights and procedures set forth in the DMCA, under the [EarthLink Acceptable Use Policy](#), EarthLink reserves the right to terminate or suspend accounts of its members known to EarthLink to be repeat infringers of copyrights.

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