



## **CONEXON CONNECT LLC**

### **OPERATING PROCEDURES COPYRIGHT INFRINGEMENT**

#### **I. Objective:**

CONEXON CONNECT LLC (“CONEXON CONNECT”) complies with the Online Copyright Infringement Liability Act of 1998 (17 U.S.C. § 512). As required by that Act, this policy reserves the right for CONEXON CONNECT to terminate the internet service of members who repeatedly infringe copyrights.

#### **II. Policy:**

Pursuant the Digital Millennium Copyright Act (“DMCA”), copyright owners may notify a service provider such as CONEXON CONNECT of alleged copyright infringement carried out on the provider’s network.

When CONEXON CONNECT receives a notification of copyright infringement, it will take the following steps:

1. First warning – Notice is sent via US Mail or email to member notifying them of their copyright infringement and violation of CONEXON CONNECT’s Acceptable Use Policy (AUP) and the Broadband Service Order and Agreement Terms & Conditions (T&C). This notice will also inform member that CONEXON CONNECT may suspend or terminate service if violation continues. (Attachment A)
2. Second warning – If there is a second offense in a 12-month period, a second warning notice will be sent via US Mail or email. This notice will inform member of their copyright infringement and continued violation of CONEXON CONNECT’s AUP and T&C. The notice will also inform member that CONEXON CONNECT may suspend or terminate service if violation continues. (Attachment B)
3. Final warning – If there is a third offense in a 12-month period, CONEXON CONNECT will issue a final warning to the member via US Mail or email. This notice will inform the member of their copyright infringement and continued violation of CONEXON CONNECT’s AUP and T&C. The notice will also inform the member that CONEXON CONNECT may suspend or terminate service if violation continues. (Attachment C)
4. Notice of Suspension/Termination – If there is a fourth offense in a 12-month period, CONEXON CONNECT will suspend or terminate the service and send a notice to the member via email and/or US Mail. This notice will inform the member that their account has been suspended or terminated. (Attachment D)

CONEXON CONNECT 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 CONEXON CONNECT determines that the conduct may:

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

### **III. Record Retention:**

All Copyright Infringement Notifications and supporting documentation shall be kept in a vault at CONEXON CONNECT headquarters for five years.

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

A database that includes, account number, date of notification, etc. will also be kept of all Copyright Infringement Notifications.

### **IV. Responsibility:**

The SVP, Telecommunications Services is listed as the FCC and ISP Designated Agent and will be the primary point of contact for all Copyright Infringement Notifications via the following email address: [copyright@conexonconnect.com](mailto:copyright@conexonconnect.com).

## DMCA 1st Warning Notice to Customer – For 1<sup>st</sup> Copyright Infringement Claim

To: [Customer email address of record]

Re: Account # [XXXX]; Copyright Infringement Warning

Dear [Customer Name]:

The purpose of this warning email is to inform you that CONEXON CONNECT has received a notice of copyright infringement sent pursuant to the Digital Millennium Copyright Act ("DMCA") in connection with your account. The DMCA, passed by Congress in 1998, allows copyright owners to notify a service provider such as CONEXON CONNECT of alleged copyright infringement carried out on the provider's network. More specific details regarding the received copyright infringement claim are provided below:

Claimant: [insert]

Infringed Work: [insert]

Infringer's IP Address: [insert]

Infringement Timestamp: [insert]

Unauthorized posting, copying/or distribution of copyrighted material is a violation of CONEXON CONNECT Acceptable Use Policy (AUP) and the Broadband Service Order and Agreement (Agreement) which prohibit use of the CONEXON CONNECT Network and Services in any manner that would infringe or otherwise violate the intellectual property rights of others. The CONEXON CONNECT AUP and Agreement state that CONEXON CONNECT may suspend or terminate your service for violation of the AUP and/or Agreement.

We encourage enabling secured passwords on your home Wi-Fi network if you have one to avoid unauthorized use of your Internet connection.

**Please be advised that if this violation continues, or if additional violations occur, CONEXON CONNECT may take further action, including the suspension or termination of your Service. Please contact our office with any questions.**

CONEXON CONNECT  
2323 Grand Blvd., Suite 300  
Kansas City, MO 64108  
844-542-6663

Thank you for your attention to this matter.

CONEXON CONNECT

## DMCA 2nd Warning Notice to Customer – For 2<sup>nd</sup> Claim within 12-month period

To: [Customer email address of record]

Re: Account # [XXXX]; Second Copyright Infringement Warning

Dear [Customer Name]:

The purpose of this email is to inform you that CONEXON CONNECT has received an **additional notice of copyright infringement** sent pursuant to the Digital Millennium Copyright Act ("DMCA") in connection with your account. The DMCA, passed by Congress in 1998, allows copyright owners to notify a service provider such as CONEXON CONNECT of alleged copyright infringement carried out on the provider's network. More specific details regarding the additional received copyright infringement claim are provided below:

Claimant: [insert]

Infringed Work: [insert]

Infringer's IP Address: [insert]

Initial Infringement Timestamp: [insert]

Unauthorized posting, copying/or distribution of copyrighted material is a violation of CONEXON CONNECT's Acceptable Use Policy (AUP) and the Broadband Service Order and Agreement (Agreement) which prohibit use of the CONEXON CONNECT Network and Services in any manner that would infringe or otherwise violate the intellectual property rights of others. The CONEXON CONNECT AUP and Agreement both state that CONEXON CONNECT may suspend or terminate your service for violation of the AUP and/or Agreement.

Please be advised that previous notifications explained that if additional violations occurred, CONEXON CONNECT could take further action, including the suspension or termination of your Service. **Upon receipt of this email, please contact our office via telephone at 844-542-6663 to avoid possible suspension or termination of your Service.**

CONEXON CONNECT  
2323 Grand Blvd., Suite 300  
Kansas City, MO 64108  
844-542-6663

Thank you for your attention to this matter.

CONEXON CONNECT

## DMCA Final Warning Notice to Customer - For 3rd Claim within 12-month period

To: [Customer email address of record]

Re: Account # [XXXX]; Final Copyright Infringement Warning

### FINAL WARNING

Dear [Customer Name]:

The purpose of this final warning is to inform you that CONEXON CONNECT has received another notice of copyright infringement sent pursuant to the Digital Millennium Copyright Act ("DCMA") in connection with your account. The DMCA passed by Congress in 1998, allows copyright owners to notify a service provider such as CONEXON CONNECT of alleged copyright infringement carried out on the provider's network. More specific details regarding the additional received copyright infringement claim are provided below:

Claimant: [insert]

Infringed Work: [insert]

Infringer's IP Address: [insert]

Initial Infringement Timestamp: [insert]

Unauthorized posting, copying/or distribution of copyrighted materials is a violation of CONEXON CONNECT's Acceptable Use Policy (AUP) and the Broadband Service Order and Agreement (Agreement) which prohibit use of the CONEXON CONNECT Network and Services in any manner which would infringe or otherwise violate the intellectual property rights of others. CONEXON CONNECT's AUP and Agreement both state that CONEXON CONNECT may suspend or terminate your service for violation of the AUP and/or Agreement.

**Please be advised that if this violation continues, or if additional violations occur, CONEXON CONNECT may suspend or terminate of your Service. Please contact our office with any questions.**

CONEXON CONNECT  
2323 Grand Blvd., Suite 300  
Kansas City, MO 64108  
844-542-6663

Thank you for your attention to this matter.

CONEXON CONNECT

**DMCA Suspension/Termination Notice to Customer – For 4th Claim within 12-mo. period**

To: [Customer email address of record]

Re: Account # [XXXX]; Notice of Account [Suspension/Termination]

**NOTICE OF ACCOUNT [SUSPENSION/TERMINATION]**

Dear [Customer Name]:

This notice is to inform you that CONEXON CONNECT will be [suspending/terminating] your account as of [INSERT DATE]. CONEXON CONNECT has received another notice of copyright infringement sent pursuant to the Digital Millennium Copyright Act (“DCMA”) in connection with your account. The DMCA passed by Congress in 1998, allows copyright owners to notify a service provider such as CONEXON CONNECT of alleged copyright infringement carried out on the provider’s network. More specific details regarding this additional received copyright infringement claim are provided below:

Claimant: [insert]

Infringed Work: [insert]

Infringer's IP Address: [insert]

Initial Infringement Timestamp: [insert]

Unauthorized posting, copying/or distribution of copyrighted materials is a violation of CONEXON CONNECT's Acceptable Use Policy (AUP) and Broadband Service Order and Agreement (Agreement) which prohibit use of the CONEXON CONNECT Network and Services in any manner which would infringe or otherwise violate the intellectual property rights of others. CONEXON CONNECT's AUP and Agreement both state that CONEXON CONNECT may suspend or terminate your service for violation of the AUP and/or Agreement.

Please be advised that we have received multiple copyright infringement claims in connection with your account and have accordingly sent multiple previous notifications to you of this issue. Based on the additional notification of copyright violation, we have no choice but to [suspend/terminate] your Service. Please contact our office with any questions.

CONEXON CONNECT  
2323 Grand Blvd., Suite 300  
Kansas City, MO 64108  
844-542-6663

Sincerely,

CONEXON CONNECT