

HTC

Copyright Infringement Policy Digital Millennium Act of 1998

Notice and procedures for making claims of copyright infringement.

The following information is provided for the sole purpose of notifying HTC. that your copyrighted material may have been infringed upon. The Designated Agent identified below is appointed solely for the purpose of reviewing claims of online copyright infringement for compliance with the Digital Millennium Copyright Act ("DMCA"). Any inquiries other than copyright infringement notifications sent to the below contact will not receive a response through this process.

HTC is a registered designated agent with the United States Copyright office http://www.copyright.gov/onlinesp/list/h_agents.html complying with U.S. copyright law under the DMCA. Using HTC services to transmit any material (by email, uploading, posting or otherwise) that infringes any copyright, trademark, patent, trade secret, or other proprietary rights of any third party, including, but not limited to, the unauthorized copying of copyrighted material, the unauthorized transmittal of copyrighted software, the digitization and distribution of photographs from magazines, books, or other copyrighted sources, is a violation of HTC's Acceptable Use Policy and appropriate action will be taken in accordance with that Policy.

The DMCA can be accessed by going to U.S. Copyright Office Web Site, <http://www.copyright.gov/legislation/dmca.pdf>. Under the DMCA, copyright owners may contact the authorized agent of an Internet service provider ("ISP") to report alleged infringements of their protected works by those who subscribe to the ISP for Internet connection purposes. Upon receipt of a properly filed complaint satisfying the requirements of the DMCA, HTC will remove or block access to allegedly infringing materials. HTC may, in appropriate circumstances and at its discretion, disable and/or terminate the accounts of users who may be repeat infringers. HTC will not however be a party to disputes over alleged copyright infringements.

Notifications of Claimed Copyright Infringement

If you believe that your work has been copied in a way that constitutes copyright infringement or your rights under U.S. copyright law have been violated, you may file a complaint with HTC's designated Copyright Agent named below.

Service Provider(s): HTC, HTCnetracer.net
Appointed Designated Agent: Rae Jean West
Address: 3480 Highway 701 N. Conway, SC 29526
Telephone Number: (843) 369-8567
Fax Number: (843) 369-8715
Email Address: raejean.west@htcinc.net

For your claim to be effective under the DMCA, your notification to HTC's designated agent must include the information described below.

- a. Physical or electronic signature of a person authorized to act on behalf of the owner of the copyright interest.
- b. A description of the copyrighted work claimed to have been infringed.
- c. Identification of the material that is claimed to be infringing or to be the subject of the infringing activity and that is to be removed or access to which is to be disabled as well as information reasonably sufficient to permit HTC to locate the material.
- d. Information reasonably sufficient to permit HTC to contact the party who is reporting the copyright infringement, such as address, telephone number, and, if available, electronic mail address.
- e. A statement that the party who is reporting the copyright infringement has a good faith belief that use of the material in the manner reported is not authorized by the copyright owner, its agent, or law.
- f. A statement that the information in the notification is accurate, and under penalty of perjury, that the party reporting the copyright infringement is authorized to act on behalf of the owner of the exclusive right that has been allegedly infringed.

Upon receiving proper notice of an alleged copyright infringement involving the posted material, HTC will review the claim and take the appropriate steps as stated in our Acceptable Use Policy.

Counter Notification to Claimed Copyright Infringement

If you have received notice from HTC of a claim of copyright infringement made in relation to materials you placed on the Internet and you believe in good faith that such claim has been wrongly made against you by the claiming party, you may submit a counter-notice to bring about a private dispute between you and the party claiming copyright infringement. Such counter notifications must contain the following information.

- a. Physical or electronic signature
- b. 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.
- c. 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.
- d. The subscriber's 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 who provided notification or an agent of such complainant.

Upon receipt of a valid counter notification, HTC in accordance with the DMCA will restore the removed material or re-enable the Subscriber's access.

Note: The U.S. copyright law provides substantial penalties for a false counter notice filed in response to a notice of copyright infringement.

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