



## Tri-CoGo Operating Procedures for Copyright Infringement

### I. Objective:

Tri-CoGo 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 Tri-CoGo to terminate the internet service of Customers who repeatedly infringe copyrights.

### II. Policy:

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

When Tri-CoGo receives a notification of copyright infringement, it will take the following steps:

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

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

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

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

All Copyright Infringement Notifications and supporting documentation shall be retained in a secure location at Tri-CoGo's headquarters for five years.

All correspondence with the Customer shall be retained in Tri-CoGo'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 Chief Operating Officer is listed as the FCC and ISP Designated Agent and will be the primary point of contact for all Copyright Infringement Notifications. This position, with the help of IT and customer support, are responsible for carrying out the steps of this policy.

Attachment A (DMCA 1st Warning)

(Date)

(Account Holder Name)

(Street Address)

(City State, Zip)

Dear (Name),

Re: (Account Number Here)

The purpose of this warning is to inform you that Tri-CoGo 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 that Tri-CoGo of alleged copyright infringement carried out on the provider's network.

Unauthorized posting, copying/or distribution of copyrighted material is a violation of that Tri-CoGo Acceptable Use Policy (AUP) and Terms and Conditions of Service Agreement which prohibits use of the Tri-CoGo Network and Services in any manner that would infringe or otherwise violate the intellectual property rights of others. The Tri-CoGo Acceptable Use Policy and Terms and Conditions of Service Agreement states, that Tri-CoGo may suspend or terminate your service for violation of the AUP and/or Subscriber 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, Tri-CoGo may take further action, including the suspension or termination of your Service. Please contact our office with any questions.

Thank you for your attention to this matter,

Tri-CoGo  
310 West Clinton St.  
Gray, GA 31032

(Attach copy of email/document from infringement notice and any screen shot of IP assignment you may have)

Attachment B (DMCA 2nd Warning)

(Date)

(Account Holder Name)

(Street Address)

(City State, Zip)

Dear (Name),

Re: (Account Number Here)

The purpose of this letter is to inform you that Tri-CoGo 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 Tri-CoGo of alleged copyright infringement carried out on the provider's network.

Unauthorized posting, copying/or distribution of copyrighted material is a violation of Tri-CoGo's Acceptable Use Policy (AUP) and Terms and Conditions of Service Agreement which prohibits use of the Tri-CoGo Network and Services in any manner that would infringe or otherwise violate the intellectual property rights of others. The Tri-CoGo Acceptable Use Policy and Terms and Conditions of Service Agreement states, that Tri-CoGo may suspend or terminate your service for violation of the AUP and/or Subscriber Agreement.

**Your service has been temporarily suspended.** Please be advised that previous notifications explained that if additional violations occurred, Tri-CoGo could take further action, including the suspension or termination of your Service.

Please contact our office with any questions.

Sincerely,

Tri-CoGo  
310 West Clinton St.  
Gray, GA 31032

(Attach copy of email/document from infringement notice)

# FINAL WARNING

(Date)

(Account Holder Name)

(Street Address)

(City State, Zip)

Dear (Name),

Re: (Account Number Here)

The purpose of this warning is to inform you that Tri-CoGo 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 Tri-CoGo of alleged copyright infringement carried out on the provider’s network.

Unauthorized posting, copying/or distribution of copyrighted materials is a violation of Tri-CoGo’s Acceptable Use Policy (AUP) and Terms and Conditions of Service Agreement which prohibits use of the Tri-CoGo Network and Services in any manner which would infringe or otherwise violate the intellectual property rights of others. Tri-CoGo’s Acceptable Use Policy and Terms and Conditions of Service states that Tri-CoGo may suspend or terminate your service for violation of the AUP and/or Subscriber Agreement.

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

Sincerely,

Tri-CoGo  
310 West Clinton St.  
Gray, GA 31032

(Attach copy of email/document from infringement notice and any screen shot of IP assignment you may have)

(Date)

(Account Holder Name)

(Street Address)

(City State, Zip)

Dear (Name),

Re: (Account Number Here)

This notice is to inform you that Tri-CoGo will be suspending/disconnecting your account as of **INSERT DATE**. Tri-CoGo 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 Tri-CoGo of alleged copyright infringement carried out on the provider's network.

Unauthorized posting, copying/or distribution of copyrighted materials is a violation of Tri-CoGo's Acceptable Use Policy (AUP) and Terms and Conditions of Service Agreement which prohibits use of the Tri-CoGo Network and Services in any manner which would infringe or otherwise violate the intellectual property rights of others. Tri-CoGo's Acceptable Use Policy and Terms and Conditions of Service states that Tri-CoGo may suspend or terminate your service for violation of the AUP and/or Subscriber Agreement.

Please be advised that we have received previous violations and have accordingly sent notification 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.

Sincerely,

Tri-CoGo  
310 West Clinton St.  
Gray, GA 31032

(Attach copy of email/document from infringement notice and any screen shot of IP assignment you may have)