

Digital Millennium Copyright Act Policy

NOTICE & TAKEDOWN PROCEDURE

It is Endeavor's policy to expeditiously respond to clear notices of alleged copyright infringement that comply with the United States Digital Millennium Copyright Act ("DMCA"). This page describes the information that should be present in these notices. The form of notice specified below is consistent with the form suggested by the DMCA.

It is expected that users of any part of Endeavor's Internet Services, Network (as defined in the Acceptable Use Policy), and/or Site will comply with applicable copyright laws. However, if Endeavor receives proper notification of claimed copyright infringement, our response to these notices may include removing or disabling access to the material claimed to be the subject of infringing activity and/or terminating users, regardless of whether Endeavor may be liable for such infringement under United States law or the laws of another jurisdiction.

If Endeavor removes or disables access in response to such a notice, we will make a good faith attempt to contact the owner or administrator of the affected site or content so that they may make a counter notification pursuant to Sections 512(g)(2) and (3) of the DMCA. Endeavor may also document notices of alleged infringement on which Endeavor acts.

DESIGNATED AGENT

Endeavor's Designated Agent to receive notification of alleged infringement under the DMCA is:

Solomon Chasteen *Vice President of Network Operations*

E-mail: dmca-notice@weendeavor.com

Physical Mail: 2 South West Street, P.O. Box 237, Cloverdale, IN 46120

Telephone: [800-922-6677](tel:800-922-6677)

Upon receipt of proper notification of claimed infringement, Endeavor will follow the procedures outlined herein and in the DMCA.

INFRINGEMENT NOTIFICATION

If you believe that your work has been copied in a way that constitutes copyright infringement, or your intellectual property rights have been otherwise violated, please provide Endeavor's Designated Agent listed above the following information in a written communication (preferably by e-mail):

1. 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 such works at that site;
2. Identification of the material that is claimed to be infringing or to be subject of the infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit Endeavor to locate the material;

3. Information reasonably sufficient to permit Endeavor to contact the complaining party, such as address, telephone number, and, if available, an e-mail address at which the complaining party may be contacted;
4. The following statement: “I have 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”;
5. The following statement: “I swear, under penalties of perjury, that the information in the notification is accurate, and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed”; and
6. A physical or electronic signature of the owner or a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Please note that you may be liable for damages (including costs and attorneys’ fees) if you materially misrepresent that material is infringing your copyrights. Accordingly, if you are not sure whether material available online infringes your copyright, we suggest that you first contact an attorney.

COUNTER NOTIFICATION

A provider of content subject to a claim of infringement may make a counter notification pursuant to sections 512(g)(2) and (3) of the DMCA. To file a counter notification with us, please provide Endeavor’s Designated Agent (listed above) the following information in a written communication (preferably via e-mail):

1. 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;
2. Your contact information, including your name, address, and telephone number;
3. The following statement: “I consent to the jurisdiction of Federal District Court for the Southern District of Indiana”;
4. The following statement: “I will accept service of process from [insert the name of the person who submitted the infringement notification] or his/her agent”;
5. The following statement: “I swear, under penalty of perjury, that I have a good faith belief that the affected material was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled”; and
6. Your signature, in physical or electronic form.

Upon receipt of such counter notification, Endeavor will promptly provide the person who provided the original infringement notification with a copy of the counter notification and inform that person that Endeavor will replace the removed material or cease disabling access to it in 10 business days. Endeavor will replace the removed material and cease disabling access to it not less than 10, nor more than 14, business days following receipt of the counter notice, unless our

Designated Agent first receives notice from the person who submitted the original infringement notification that such person has filed an action seeking a court order to restrain the subscriber from engaging in infringing activity relating to the material on our system or network.

REPEAT INFRINGERS

In accordance with Section 512(i)(1)(a) of the DMCA, Endeavor will, in appropriate circumstances, disable and/or terminate the accounts of users who are repeat infringers.

ACCOMMODATION OF STANDARD TECHNICAL MEASURES

It is Endeavor's policy to accommodate and not interfere with standard technical measures it determines are reasonable under the circumstances, in other words, technical measures that are used by copyright owners to identify or protect copyrighted works.