

DMCA Policy

Why is Everfast providing customers with this Policy?

Everfast is committed to complying with United States copyright law, the Digital Millennium Copyright Act of 1998 (“DMCA”), and related laws, and requires all customers and users of Everfast’s Internet access services (the “ Service”) to comply with these laws. The DMCA is a federal law that protects all forms of copyrighted material (music, movies, television programs, software, etc.) from unlawful reproduction online. Accordingly, users may not store any material or content on, or access, share or disseminate any material or content over, the Service (or any part of the Service) in any manner that constitutes an infringement of third party intellectual property rights, including rights granted under U.S. copyright law.

All Everfast Internet customers (the “customer,” “user,” “you,” or “your”) and all others who use the Service must comply with this Policy. Your failure, or others’ failure, to comply with this Policy could result in the suspension or termination of your Service accounts. Therefore, you should take steps to ensure that members of your household or others that you permit to use your Service are aware of this Policy and agree to abide by it. If you are unwilling to comply with this Policy, you must immediately stop all use of the Service and notify Everfast so that it can close your account.

How does Everfast communicate with customers about copyright?

Everfast prefers to inform customers of inappropriate activities involving their Service and give them a reasonable period of time in which to take corrective action. If your Service account is identified by a copyright owner as having been used in connection with acts of alleged copyright infringement, you may receive alerts either by U.S. mail to the billing address of the account in question or by email to the address we have on file.

How do copyright owners generate notices of claimed infringement?

Copyright owners routinely participate in or monitor online peer-to-peer file sharing programs to see if their content is being improperly used or shared. If a copyright owner believes its content was uploaded or downloaded improperly, it can record the Internet Protocol address (“IP address”) that was used to access the content over these services. The IP address identifies the Internet service provider who uses the address for its customers; it does not identify an individual person. The copyright owner will then send a notice to the Internet service provider that contains the IP address along with other information such as the date and time of the event, the name of the file sharing program, and an identification of the content. The Internet service provider will then identify the account holder using that IP address in conjunction with the other information and send an alert to that customer. In Everfast’s case, we send the alert

either through the U.S. postal service or through email to the primary account holder of the Service.

What is Everfast's DMCA policy?

Owners of copyrighted works who believe that their rights under U.S. copyright law have been infringed may take advantage of certain provisions of the DMCA to report alleged infringements. It is Everfast's policy in accordance with the DMCA and other applicable laws to reserve the right to terminate the Service provided to any customer or user of the Service who is either found to infringe third party copyright or other intellectual property rights, including repeat infringers, or who Everfast, in its sole discretion, believes is infringing these rights. Everfast may terminate the Service at any time with or without notice for any affected customer or user. Everfast reserves the right to take any other legal or technical actions it deems appropriate under the circumstances to enforce this Policy, in its sole discretion, with or without notice to any affected customer or user.

How do copyright owners report alleged infringements to Everfast under the DMCA?

Copyright owners may report alleged infringements of their works by sending Everfast's designated agent a notification of claimed infringement that satisfies the requirements of the DMCA to DMCA Notification at customer-sales@everfastfiber.com. For more information see Everfast's "Notice to Copyright Owners" posted online at <https://www.everfastfiber.com>.

Upon Everfast's receipt of a satisfactory notice of claimed infringement, if Everfast has sufficient information to identify the customer, we will notify the customer of the alleged infringement and remove or disable access to the material that is alleged to be infringing if hosted on our domain. No personal customer information is shared with copyright owners unless required by law.

What can customers do if they receive a DMCA notification of alleged infringement?

If you receive a DMCA notification of alleged infringement as described above, and you believe in good faith that there has been a mistake and no infringement has occurred, then you may send a counter notification to DMCA Notification at copyabuse@everfast.net.

All counter notifications involving material hosted on Everfast's domain that has been removed or blocked must satisfy the requirements of Section 512(g)(3) of the U.S. Copyright Act and must include the following information: (i) a physical or electronic signature (including but not limited to a typewritten full name) of the copyright owner or a person authorized to act on the owner's behalf; (ii) 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 (the description from the notification of claimed infringement will suffice); (iii) 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; and (iv) your contact information, including your address, telephone number, and (if available) an email address 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, for any judicial district in which Everfast may be found, and that you will accept service of process from the person or entity that provided the notification of claimed infringement or that person's or entity's agent. Upon Everfast's receipt of a counter notification that satisfies the requirements of the DMCA, Everfast will provide a copy of the counter notification to the person who sent the original notification of claimed infringement and will follow the DMCA's procedures with respect to a received counter notification. In all events, you expressly agree that Everfast will not be a party to any disputes or lawsuits regarding alleged copyright infringement.

Everfast may, but is not required, to monitor your compliance with this Policy.