

## **DMCA POLICY AND PROCEDURE**

Grande Communications Networks, LLC is committed to complying with U.S. copyright and related laws. Grande Communications Networks, LLC reserves the right to terminate, in appropriate circumstances, the service provided to any customer or user in accordance with the Digital Millennium Copyright Act (DMCA) and other applicable laws and regulations. Grande Communications Networks, LLC will terminate the subscriptions of repeat copyright infringers. Grande Communications Networks, LLC's copyright compliance policies do not affect any other rights Grande Communications Networks, LLC may have under law or contract.

### **DMCA Notification**

If you are a copyright owner or an agent of a copyright owner and you believe that your rights under U.S. copyright law have been infringed, you may submit a Notification pursuant to the DMCA. After receiving a compliant Notification regarding infringing material residing on Grande Communications Networks, LLC's network(s), Grande Communications Networks, LLC will, to the extent required by applicable law, remove or disable access to the material that is alleged to be infringing and take reasonable steps to promptly notify the subscriber that Grande Communications Networks, LLC has removed or disabled access to the material.

After receiving Notifications regarding repeated infringement through unauthorized file sharing, including peer-to-peer file sharing, relating to a specific subscriber account, Grande Communications Networks, LLC will take action to prevent repeated infringement. Such action may include temporary or permanent termination of the subscriber account.

Under the DMCA, anyone who knowingly makes misrepresentations regarding alleged copyright infringement may be liable to Grande Communications Networks, LLC, the alleged infringer, and the alleged copyright owner for damages incurred as a result of the misrepresentation.

You may direct DMCA Notifications to Grande Communications Networks, LLC's Designated Agent using the following information:

**Designated Agent:** Lamar Horton  
**Email:** dmca@mygrande.com  
**Address:** 401 Carlson Circle  
San Marcos, TX 78666

**Telephone numbers:** (866) 659-4562 - for Residential account assistance  
(866) 545-0045 - for Commercial account assistance

To submit a compliant Notification, you must provide the following required information in writing (see 17 U.S.C. § 512(c)(3)):

1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
2. 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.

3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.
4. Information reasonably sufficient to permit Grande Communications Networks, LLC to contact you, such as an address, telephone number, and, if available, an email address at which you may be contacted.
5. A statement that you 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.
6. A statement that the information in the Notification is accurate, and under penalty of perjury, that you are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

**NOTIFICATION REQUIREMENT:**

Grande requires that each notification be in a PGP format or a compatible standard and must be digitally signed to verify the identity of the sender.

PUBLIC KEY INFORMATION FOR DMCA@MYGRANDE.COM:

-----BEGIN PGP PUBLIC KEY BLOCK-----

- Version: GnuPG v2

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=U8P3

-----END PGP PUBLIC KEY BLOCK-----

### **Counter Notification**

If you receive notice that material has been removed, or access to it has been disabled, as a result of a DMCA Notification, you may file a Counter Notification with Grande Communications Networks, LLC's Designated Agent.

To be effective, a Counter Notification must be in writing and must include the following information:

1. A physical or electronic signature of the subscriber.
2. 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.
3. A statement under penalty of perjury that the subscriber has a good faith belief that the material was removed or access to it was disabled as a result of mistake or misidentification of the material to be removed or disabled.
4. The subscriber's name, address, and telephone number, and a statement that the subscriber consents to jurisdiction of Federal District Court for the judicial district in which the address is located, or if the subscriber's address is outside of the United States, for any judicial district in which the service provider may be found, and that the subscriber will accept service of process from the person who provided the Notification or an agent of such person.

Under the DMCA, anyone who knowingly makes misrepresentations regarding alleged copyright infringement may be liable to Grande Communications Networks, LLC, the alleged infringer, and the alleged copyright owner for damages incurred as a result of the misrepresentation.

After receiving a compliant Counter Notification, Grande Communications Networks, LLC will forward a copy of the Counter Notification to the Copyright Owner. If the Copyright Owner informs Grande Communications Networks, LLC that it has initiated an action seeking a court order against the subscriber, Grande Communications Networks, LLC will take no additional action, and any accused infringing material will continue to be blocked until that action is resolved. If Grande Communications Networks, LLC does not receive notice from the Copyright Owner that an action has been initiated against the accused subscriber, Grande Communications Networks, LLC will inform the subscriber that any removed material may be replaced by the subscriber, and Grande Communications Networks, LLC will take steps to restore access to any blocked materials.

**Note:** The information on this page is provided to you for informational purposes only, and is not intended as legal advice. If you believe your rights under U.S. Copyright law have been infringed, you should consult an attorney.

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## FAQs

Grande Communications Networks, LLC receives many calls from Internet users who have received copyright infringement Notices. The following FAQs are intended to answer the most common questions. If your question is not answered below, please telephone the appropriate Support service team at the number listed on the first page of this policy or send an email to: [dmca@mygrande.com](mailto:dmca@mygrande.com).

Allegations of copyright infringement can be generated by anyone using your computer or network to download copyrighted materials – even children or friends who have access to your system or network, or a stranger who is able to access your computer or network. Regardless of who committed the alleged copyright infringement, you are responsible for securing your network to avoid copyright violations that might otherwise occur through your Grande Communications Networks, LLC Internet access account.

Please note that while the following is intended to assist you in resolving your questions and avoiding potential liability, none of the information contained here should be construed as legal advice.

### **Questions about Copyright Infringement notices**

- I received a notification from Grande Communications Networks, LLC regarding potential copyright infringement. What should I do?
- How do I resolve this?
- How do I know when the alleged infringement occurred?
- I don't recognize the alleged infringing material. How do I know what it is?
- How do I locate the material on my computer?
- What is Grande Communications Networks, LLC's role in this process?
- Has Grande Communications Networks, LLC invaded my privacy?
- How was my information identified?
- Does this Notice mean I am being sued?
- I legitimately purchased the material alleged as infringing. Why did I receive a Notice?
- I subscribe to a peer-to-peer network in which I pay for permission to download certain materials. Why did I get a Notice?
- Will my Internet access be disconnected?
- Where can I find more information?

#### **1. I received a notification from Grande Communications Networks, LLC regarding potential copyright infringement. What should I do?**

If you received an email from Grande Communications Networks, LLC about copyright infringement, that means that a copyright infringement notice was sent to Grande Communications Networks, LLC from a copyright holder or its agent associating your account and identifying activity that potentially infringes on copyright protected material. Notices are sent when a rights holder believes copyrighted material has been illegally downloaded from and/or uploaded to the Internet. The letter Grande Communications Networks, LLC forwarded to you provides information about the infringement allegation Grande Communications Networks, LLC received from the copyright holder. Receiving such a Notice does not indicate that you are being personally accused of a crime, but rather that you are being alerted to potentially illegal activity that was detected over your Internet access connection. Upon receiving notice that your account might be used to engage in copyright infringement, you should investigate the issue to ensure that your account is secure and that no one with access to your network is infringing any copyright protected materials.

## **2. How do I resolve this?**

Determine whether someone with access to your internet subscription has downloaded a copyrighted work without permission. If so, search for the copyrighted work on computers that have access to your internet account and remove any copies of that work that you may find.

## **3. How do I know when the alleged infringement occurred?**

The letter you received from Grande Communications Networks, LLC reflects the date on which the copyright holder claims to have detected a copyrighted file being publicly accessed through your Internet access account.

## **4. I don't recognize the alleged infringing material. How do I know what it is?**

It is most likely that the file identified in the letter you received relates to a song, TV show, or movie—although it could also relate to any other type of copyrighted material. To determine the nature of the material you have been accused of potentially infringing, search for the title of the material listed in the letter that we sent to you using a search engine.

## **5. How do I locate the material on my computer?**

If you are using Microsoft Windows, click on the Start button located at the bottom left-hand side of your screen. A window will pop up with a search bar at the bottom to “Search programs and files.” You can search by the exact file name or with key words. You’ll want to look on your hard drive for this file. Once your computer locates the file or files associated with your search term, it will list possible matches. You must determine which file corresponds to the one listed in the letter you received.

## **6. What is Grande Communications Networks, LLC's role in this process?**

Grande Communications Networks, LLC is obligated under federal law to adopt, reasonably implement and inform Internet access subscribers of, a policy that provides for the termination in appropriate circumstances of Internet access subscribers who repeatedly violate the copyright laws. Grande Communications Networks, LLC receives Notices from copyright holders or their agents who believe copyrighted material has been illegally downloaded from and/or uploaded to the Internet. Upon receipt, Grande Communications Networks, LLC informs its subscriber of the alleged infringement. At all times, it is the *subscriber's* responsibility to ensure that their account is not being used to conduct infringing activity.

## **7. Has Grande Communications Networks, LLC invaded my privacy?**

No. Grande Communications Networks, LLC respects the privacy of its subscribers. Grande Communications Networks, LLC does not scan subscribers' computers or otherwise invade the privacy of its subscribers. Unless required by law, Grande Communications Networks, LLC will not provide your personal information to any copyright holder or its agents.

## **8. How was my information identified?**

Copyright holders or their agents identify potentially infringing activity by monitoring public internet traffic. Most often, copyright holders identify this activity by monitoring popular file-sharing networks or public Internet sites to which your computer may have connected. Peer-to-peer file-sharing programs require that you share files (*allow others to download from you*) even as you are downloading from others using the network. By using a file-sharing program, you are potentially allowing strangers to download files from your computer. File-sharing programs are not illegal by themselves—but can be used to upload or download copyrighted materials. Sharing copyrighted materials without the permission of the copyright owner is illegal.

## **9. Does this Notice mean I am being sued?**

The letter you received from Grande Communications Networks, LLC is not an indication that a lawsuit will be initiated against you. Grande Communications Networks, LLC received a Notice alleging copyright infringement that was associated with your IP address from a copyright holder or its agent. Grande Communications Networks, LLC sent you a letter to provide you with notice of that alleged infringement so that you may take steps to investigate and, if necessary, remedy the alleged activity.

## **10. I legitimately purchased the material alleged as infringing. Why did I receive a Notice?**

If you received a letter from Grande Communications Networks, LLC regarding potential infringement for material that you legitimately purchased, it is possible that a file-sharing application on your computer scanned your hard drive and made available music, software or movie files. You should understand that even unintentionally making these files available can constitute a violation of the copyright holders' rights. For this reason, you should take steps to disable any software that might result in infringing activity.

Uninstalling the file-sharing application is the best way to stop your files from being made available to others on the Internet. A few popular file-sharing programs you may find on your system are eDonkey2000, eMule, Limewire, BearShare, FastTrack, Overnet, WinMX, Ares, DC++, Shareaza, Soulseek, KaZaA, Morpheus, Gnutella, and BitTorrent clients such as Azureus, BitTornado, BT++, BitComet, Vuze, Torrent, and BitLord.

Because you are ultimately responsible for all activity associated with your Grande Communications Networks, LLC account, you should take the following steps to ensure your internet account is not being used to commit copyright infringement:

- a. Secure your home network with a password so that strangers cannot connect and use your internet subscription. If you need assistance in doing this, contact Grande Communications Networks, LLC's Technical Support staff at the appropriate team phone number listed on the first page of this policy.
- b. Determine whether any computer in your home has file-sharing software installed on it and, if it does, uninstall that software.
- c. Do not download files you know or suspect to be copyrighted material except from reputable sources, authorized for distribution by the copyright holders.

## **11. I subscribe to a peer-to-peer network in which I pay for permission to download certain materials. Why did I get a Notice?**

Despite any subscription you may have and pay for, sharing or downloading copyrighted material without permission is illegal. A subscription to a peer-to-peer network does not authorize you to download copyrighted material, including software programs, games, music, movies, TV shows, etc.

## **12. Will my Internet access be disconnected?**

Grande Communications Networks, LLC is obligated under federal law to adopt and reasonably implement, and inform Internet access subscribers of, a policy that provides for the termination in appropriate circumstances of Internet access subscribers who are repeat copyright infringers. Grande Communications Networks, LLC receives Notices from copyright holders or their agents who believe copyrighted material has been illegally downloaded from and/or uploaded to the Internet. If Grande Communications Networks, LLC continues to receive notices from copyright owners indicating that a particular subscriber is using their internet account to commit copyright infringement, Grande Communications Networks, LLC will take action—up to and including termination of your

service—to ensure that its subscribers do not use Grande Communications Networks, LLC’s services to commit copyright infringement.

Grande Communications Networks, LLC has procedures in place to track the copyright infringement notices it receives and to terminate subscribers who repeatedly violate the copyright laws.

**13. Where can I find more information?**

Contact a Grande Communications Networks, LLC Technical Service Representative using the appropriate team phone number listed on the first page of this policy.

**More resources:**

United States Copyright Office Main Page:

<http://www.copyright.gov>

Help prevent online piracy at home:

<http://www.microsoft.com/athome/security/children/kidspiracy.msp>

World Legal Resource Center, Internet Law Library:

<http://www.lawmoose.com/internetlawlib/325.htm>

World Intellectual Property Organization (for International violations):

<http://www.copyright.gov/wipo/treaty.html>

Copyright Infringement information as provided by the Motion Picture Association of America:

<http://respectcopyrights.org>

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