



Digital Millennium Copyright Act Policy

We comply with the Digital Millennium Copyright Act (“DMCA”) and provide a method for copyright owners to communicate information about alleged infringements to us, and for us to inform our Customers about them, as further described below. Customers may receive notices or alerts if their City of Lexington dba LexNet (“LexNet”) account is identified by a copyright owner as having been used in connection with acts of alleged copyright infringement.

We are committed to complying with U.S. copyright laws, and we require all LexNet customers using our service to comply with them, too. Therefore, our Customers and users may not store any material or content, or access, share or distribute any material or content using LexNet internet services, in any manner that constitutes an infringement of third-party copyright rights. Copyright infringement takes a variety of forms, but frequently consists of the unauthorized copying or sharing of files containing music, movies, television shows or computer games. Please note that as an account holder, you are responsible for all use and misuse of the internet service, including copyright infringement claims even if such misuse was done by a guest in your home.

LexNet has no obligation to investigate possible copyright infringements with respect to materials transmitted by Customer or any other users of the LexNet internet services. However, LexNet will process valid notifications of claimed infringement under the DMCA, and continued receipt of alleged infringement notifications for Customer's account will be considered when determining whether Customer is a repeat infringer.

LexNet maintains a policy to terminate a LexNet internet account, in appropriate circumstances, of any user who is a repeat infringer of third-party copyright rights under our repeat infringer policy. Our policy includes graduated or escalated alerts of alleged infringements.

In order to acknowledge these alerts, we may require Customer to log in to the account or call our support team. We reserve the right to suspend or terminate, as well as apply other interim measures to, the LexNet internet service of any Customer for whom we have continued to receive DMCA notifications of alleged infringement even after we have sent repeat infringer alerts. For more information, see our FAQs.

We also reserve the right to terminate our offerings at any time with or without notice for any affected user who we, in our sole discretion, believe is infringing any copyright or other intellectual property rights.

Infringement Notification:

To file a notice of infringement with us, you must provide a written communication (by regular mail — not by email, except by prior agreement) to the following address:

LexNet
92 S. Main St.
Lexington, TN 38351
Attn: DMCA Complaints

The Notification of claimed infringement must be a written communication that substantially includes the following:

- 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.
- 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 us to locate the material.
- Information reasonably sufficient to permit us to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
- A statement that the complaining party has 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.
- A statement that includes the following language: “I swear, under penalty 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.”
- A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Upon LexNet’s receipt of a written Notification containing the information described above, LexNet will respond expeditiously to either directly or indirectly (i) remove or disable the allegedly infringing work(s), if applicable or (ii) notify the affected Customer or user of the Service.

Under the DMCA, anyone who knowingly makes misrepresentations regarding alleged copyright infringement may be liable to LexNet, the alleged infringer, and the affected copyright owner for any damages incurred in connection with the removal, blocking, or replacement of allegedly infringing material.

FAQ's

Who is a Repeat Infringer under the DMCA Repeat Infringer Policy?

We treat any customer account for whom we receive multiple DMCA notifications from content owners as a repeat infringer in accordance with our DMCA Repeat Infringer Policy.

How will I be notified about the DMCA notification from content owners?

You may receive an email alert to the preferred email address on your account or a letter to your home address. You may also receive a recorded message to your telephone number on file, a text message to your mobile telephone number on file or another form of communication from us.

If I receive a DMCA notification, what action do I need to take?

If you do not own the copyrighted work, remove the work from all computers and other devices where stored. If the file continues to be shared, LexNet will continue to receive infringement notices about your account, and your account will be terminated pursuant to our DCMA Repeat Infringer Policy. We also recommend you remove the file sharing program that is being used to share the files.

What should I do if I believe the complaint is incorrect?

If you feel that the complaints are in error, you may file a Counter Notification with LexNet. The process to do this is set forth below. Please note: if you file a Counter Notification, LexNet will forward the Counter Notification to the copyright holder or agent, and they will have your identity. You may wish to consult an attorney before filing a Counter Notification.

Counter Notification Requirements

If you receive a DMCA notification of alleged infringement, and you believe in good faith that:

- The allegedly infringing works were not shared from your devices or were misidentified, or
- You have authorization from the copyright owner, or
- Your use of the work constitutes fair use under U.S. copyright law,

You may choose to submit a Counter Notification.

In order to be effective, you must submit the Counter Notification in writing and include substantially the following:

- A physical or electronic signature of the LexNet subscriber.
- A description of the material that was removed from the devices, or to which sharing has been disabled.
- A statement under penalty of perjury that the subscriber has a good faith belief that the material was removed or disabled because of mistake or misidentification of the material to be removed or disabled, or that the subscriber's use was authorized by the copyright owner, or that the subscriber's use of the work constitutes fair use under U.S. copyright law. If the subscriber is relying upon fair use, then they must provide a written explanation of the basis for fair use.
- The subscriber's name, address, and telephone number, along with a statement that the subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the address is located.
- The subscriber must also include a statement that they are willing to accept service of process from the copyright holder or agent of the copyright holder.

The Counter Notification should be sent by mail to:

LexNet
92 S. Main St.
Lexington, TN 38351
Attn: DMCA Complaints

Upon receipt of a Counter Notification that satisfies the requirements of the DMCA, LexNet will provide a copy of the Counter Notification to the person or entity who sent the original notification of claimed infringement. You expressly agree that any dispute is between you and the copyright holder or its agent, and you will not make LexNet a party to any disputes or lawsuits regarding alleged copyright infringement.

What happens if my LexNet internet service is terminated under the DMCA Repeat Infringer Policy?

Termination of internet service will be in effect for the period communicated to you, typically no less than 180 days.

When can I reactivate my LexNet internet service?

During the termination period your internet service will not be restored for any reason. After this period, if you wish to restore your Internet service, you must call us to apply, as we will not automatically restore services to you.