

OptimERA™ Copyright, DMCA Notices, and Infringement Policies

INTELLECTUAL PROPERTY POLICY GENERALLY

In this document, "OptimERA" means OptimERA, Inc. and "intellectual property" means copyrights and trademarks. "You" means the OptimERA customer subscribing to, receiving, or using Internet access services from OptimERA, including guests, roamers, or persons with access, whether authorized or not (such as hackers). OptimERA is committed to protecting intellectual property rights as required or permitted by law. OptimERA will protect its own intellectual property in its discretion and the intellectual property rights of others consistent with the law. OptimERA expects all users of its services as well as visitors to its websites to honor all rights of intellectual property.

While the information on this website may be accessed by anyone and you are encouraged to visit our website, all copyright rights in the text, images, photographs, graphics, user interface, and other content provided on this site, and the selection, coordination, and arrangement of such content, are owned by OptimERA, to the fullest extent provided under the Copyright Act. Except as otherwise provided, nothing contained herein shall be construed as conferring upon you any license or right under any copyright or trade or service mark of OptimERA or any third party.

OPTIMERA STATEMENT OF COPYRIGHT COMPLIANCE

OptimERA Internet access services are subject to the requirements of the Digital Millennium Copyright Act of 1998 ("DMCA"), 17 U.S.C. 512 *et. seq.* The DMCA addresses the rights and obligations of owners of copyrighted material who believe that their rights under U.S. copyright law have been infringed – on the Internet and of Internet Service Providers, such as OptimERA. Internet services customers and users may store, transmit, or receive copyrighted files on or over the OptimERA network and servers and in so doing infringe on the rights of the copyright owners. Infringing uses of OptimERA's network or services is prohibit by our Terms and Conditions. While OptimERA does not monitor for infringing usage, it will process all notices of copyright infringement that it may receive in accordance with the DMCA and take appropriate action against alleged infringers.

TO MAKE A CLAIM OF COPYRIGHT INFRINGEMENT:

Copyright holders and owners who believe that their works have been infringed by a user of OptimERA's hosting or Internet access services may send written notice to the following authorized agent designated to receive notification of claimed infringements:

OptimERA DMCA Agent
DMCA@OptimERAinc.com
PO Box 921134
Dutch Harbor Ak 99692
Ph: +1 907-581-4983

When providing notice of claimed copyright infringement, please provide the following information and any other information required by the DMCA in effect at the time of your notice:

- (i) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
- (ii) Identification of the copyrighted work or works claimed to have been infringed, or a representative list of such works;
- (iii) Identification of the material that is claimed to be infringing or to be the subject of infringing activity and information reasonably sufficient to permit OptimERA to locate the material or the alleged infringing party;
- (iv) Information reasonably sufficient to permit OptimERA to contact the complaining party, including telephone number and email address;
- (v) 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; and
- (vi) A statement that the notification is accurate and, under penalty of perjury, that the complaining party is authorized to act on behalf of the copyright owner.

Upon receipt of a notice complying with the DMCA, OptimERA will take appropriate actions as required or permitted by the DMCA or OptimERA's Terms and Conditions of service, including but not limited to:

- (i) Expedient action to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity;
- (ii) Inform the alleged infringer, in writing (including text messaging, emails, and letters), of the claim against him or her;
- (iii) Terminate, suspend or restrict the alleged infringer's Internet access, regardless of any defenses that may be asserted; and
- (iv) In the case of repeated infringement notices, terminate the alleged infringer's Internet access. Absent exceptional circumstances, Internet access will be terminated if OptimERA receives more than two infringement notices regarding your service account in a six-month period or more than four notices of any time period. Multiple notices on the same account in the same day may be counted as one notice, if they are related.

TO RESPOND TO A CLAIM OF COPYRIGHT INFRINGEMENT

If you believe that you have been wrongly accused of copyright infringement, you may submit a written response to OptimERA's authorized agent providing all information that you believe supports your defense. Note that there may be instances when you are not aware that your service is being used for infringement, such as guests, hackers, viruses, or malware that may have been installed on your device, and you are still responsible for such infringing uses. Be sure to keep your device secure to prevent all unintended or unauthorized usage. OptimERA cannot and will not judge the rights of the parties, but may in its discretion notify the claimant of

your defense. If the claimant will not withdraw its notice, you may have to go to court to protect your asserted rights to your use of the copyrighted material.

If you do not wish to dispute the infringement claim, you need not do so, but you **MUST** remove the alleged infringing material and immediately stop or prevent the transmission of alleged infringing material, such as by terminating any file sharing applications.

In accordance with the DMCA and OptimERA's Terms and Conditions of service, OptimERA shall not be liable to any person for any claim based on OptimERA's good faith suspension or termination of service, disabling of access to or removal of material or activity claimed to be infringing, or based on facts or circumstances from which infringing activity is apparent, regardless of whether the material or activity is ultimately determined to be infringing.

NOTE: United States law provides significant penalties for submitting an initial notice of claimed copyright infringement, or a counternotice, falsely.