

# DMCA POLICY AND PROCEDURE

WOW! is committed to complying with U.S. copyright and related laws. WOW! 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. WOW! will terminate the subscriptions of repeat copyright infringers. WOW!'s copyright compliance policies do not affect any other rights WOW! 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 WOW!'s network(s), WOW! 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 WOW! 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, WOW! 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 WOW!, the alleged infringer, and the alleged copyright owner for damages incurred as a result of the misrepresentation.

You may direct DMCA Notifications to WOW!'s Designated Agent using the following information:

Designated Agent: Kelly Arnold  
Email: DMCA@wowinc.com  
Address: Wide Open West, 7887 E. Belleview Ave., Ste 1000, Englewood, CO 80111

Telephone number: (888) 852-9735  
Fax number: (630) 536-3108

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 WOW! 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.

## **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 WOW!'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 WOW!, the alleged infringer, and the alleged copyright owner for damages incurred as a result of the misrepresentation.

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

## **DMCA Compliance for Customer Provided Services**

Customer is the customer-of-record for Services acquired from WOW! and so is responsible for all use of the WOW! Services. If Customer (with prior written authorization from WOW!), resells the Service or in any way incorporates WOW! Services into service it provides to its end users (the "Customer Services"), Customer expressly assumes all responsibility for, and any potential liability arising out of, any actual or alleged act of copyright infringement conducted using the internet service provided by WOW! to Customer, including any Customer Services. Customer assumes responsibility for adopting and implementing, and giving users of internet service notice of, a policy for terminating repeat copyright infringers pursuant to the DMCA. Customer agrees to indemnify and hold harmless WOW!, its parents, affiliates, subsidiaries, contractors, subcontractors, and agents from and against any and all costs, claims, causes of actions, and demands, including reasonable attorneys' fees, incurred by WOW! as a result of, or in connection with, any actual or alleged act of copyright infringement conducted using the internet service provided by WOW! to Customer or any other Customer Services.

Revised as of: April 5, 2023

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