

MegaPath Inc. (“MegaPath”) respects all copyright and other intellectual property rights of third parties and requests that our customers do the same. Pursuant to its Acceptable Use Policy and applicable law, MegaPath may, in appropriate circumstances and at its discretion, disable, suspend or terminate the accounts or circuits of customers who are accused of infringing the intellectual property rights of others. MegaPath will respond to parties who believe their copyright has been infringed by a MegaPath customer in accordance with the provisions of the United States Digital Millennium Copyright Act (“DMCA”). As required by the DMCA notice and Internet Service Provider (ISP) provisions, if you believe that a MegaPath customer has infringed a work to which you own the copyright, you must send the agent designated below all of the following information:

- Your name, address, telephone number, and email address;
- A physical or electronic signature of a person authorized to act on behalf of the owner of the copyrighted work;
- Identification of the copyrighted work claimed to have been infringed, and if there is more than one, a list of such works;
- 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 to which access is to be disabled, and information reasonably sufficient to permit MegaPath or any of its affiliated companies to locate the material;
- A statement by the holder of the copyright that he or she has a good faith belief that use of the material in the manner complained of is not authorized by himself or herself, or their agent, or the law;
- A statement that the information in the notification is accurate, and under penalty of perjury, that you are the copyright owner or that you are authorized to act on the copyright owner's behalf.

Failure to include all of this information will mean that MegaPath will not act on your notice. When we have received notice with all information we will review and verify it within seven (7) days. If all information appears genuine, MegaPath will:

- remove or disable access to the infringing material;
- notify the customer that MegaPath has removed or disabled access; and
- for repeat offenders, consider terminating service pursuant to company policies.

If the customer believes that the material that was removed or to which access was disabled is either not infringing, or the customer has the right to post and use such material, the customer must send a counter-notice containing the following information to the agent designated below:

- A physical or electronic signature of the customer;
- Identification of the material that has been removed or to which access to has been disabled and the location at which the material appeared before it was removed or disabled;
- A statement that the customer has a good faith belief that the material was removed or disabled as a result of mistake or a misidentification of the material; and
- Customer's name, address, telephone number, and, if available, e-mail address and a statement that such person or entity consents to the jurisdiction of the Federal Court for the judicial district in which the customer is located, or if the customer is located outside the United States, for any judicial district in which MegaPath is located, and that such person or entity will accept service of process from the person who provided notification of the alleged infringement.

MegaPath will send a copy of the counter-notice to the original complaining party informing that party that unless the copyright owner files an action seeking a court order against the customer the removed material will be replaced or access to it restored two (2) weeks after receipt of the counter-notice, at Company's discretion.

MegaPath's agent for notice of claims of copyright infringement can be contacted as follows:

Jason Wakefield  
Vice President of Regulatory Affairs and Litigation  
MegaPath Inc.  
2220 O'Toole Avenue  
San Jose, CA 95131  
email: [abuse@megapath.net](mailto:abuse@megapath.net)  
Phone: (408) 952-6400

**This contact is only for purposes of notice of copyright infringement.**