

## **SANDYNET DIGITAL MILLENNIUM COPYRIGHT ACT POLICY**

The City of Sandy, dba SandyNet (“SandyNet”) respects the intellectual property rights of other and expects our users to do the same. In accordance with the Digital Millennium Copyright Act (“DMCA”), the text of which may be found at <http://www.copyright.gov/legislation/dmca.pdf>, and specifically in accordance with 17 U.S.C § 512(c)(3), SandyNet will respond expeditiously to claims of copyright infringement committed using the SandyNet service (the “Service”) and/or any SandyNet website (the “Site”) if such claims are reported to SandyNet’s Designated Copyright Agent identified below.

### **I. NOTICE AND PROCEDURE FOR MAKING CLAIMS OF COPYRIGHT INFRINGEMENT**

Under the DMCA, copyright holders are provided recourse against violation of their rights by online services or violation on the Internet. If you believe that any material on the City of Sandy or SandyNet websites has infringed your copyrighted material or that the City of Sandy or SandyNet is the hosting service provider and should be notified of a potential copyright infringement, please follow the procedure set forth below to make your claim. This procedure should only be used for making claims of copyright infringement.

This information does not take the place of advice from your legal counsel. SandyNet and the City of Sandy are providing this information to you for informational purposes only.

### **II. REJECTION/REMOVAL**

SandyNet reserves the right to reject or remove any material residing on or transmitted to or through the Service that SandyNet, in its sole discretion, believes to be unacceptable or in violation of the law, this DMCA policy, and/or the SandyNet Acceptable Use Policy. SandyNet may immediately remove content if SandyNet believes such content is unlawful, violates this DMCA policy, and/or the SandyNet Acceptable Use Policy, or such removal is done pursuant to the Digital Millennium Copyright Act. Upon SandyNet’s request, users of the Service shall terminate service to any third-party user or agent who, in SandyNet’s sole discretion, has violated this DMCA policy or applicable State or Federal law or regulations.

### **III. NOTIFICATION of CLAIMED COPYRIGHT INFRINGEMENT**

If you believe that a Web page hosted by SandyNet is violating your rights under U.S. copyright law, you may file a complaint of such claimed infringement with the SandyNet designated agent as described below:

#### **Contact**

DMCA Agent  
[abuse@sandynet.org](mailto:abuse@sandynet.org)

#### **Mail**

SandyNet Legal Services  
City of Sandy  
Attn: Copyright Claims  
39250 Pioneer Blvd,  
Sandy, OR 97055

DMCA Complaints must be in writing and contain the following information:

1. A statement that includes the information below along with the full legal name and physical or electronic signature of a person authorized to act on behalf of the copyright 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 are covered by your Notice – you may provide a representative list of the copyrighted works that you claim have been infringed.
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 SandyNet to locate the material including at a minimum, if applicable, the URL of the link shown on the Site or the exact location where such material may be found.
4. Information reasonably sufficient to permit SandyNet 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 contact.
5. Both the following statements in the body of the Notice:
  - a. “I hereby state that I have a good faith belief that the disputed use of the copyrighted material is not authorized by the copyright owner, its agent, or the law (e.g., as a fair use).”
  - b. I hereby state that the information in this Notice is accurate and, under penalty of perjury, that I am the owner, or authorized to act on behalf of, the owner, of the copyright or of an exclusive right under the copyright that is allegedly infringed.

You should be aware that complaints who make false claims or misrepresentations concerning copyright infringement may be liable for damages under the DMCA.

#### **IV. COUNTER-NOTIFICATION IN RESPONSE TO CLAIM OF COPYRIGHT INFRINGEMENT**

If a notice of copyright infringement has been wrongly filed against you, and you would like to submit a counter-notice, please forward your counter-notice to SandyNet’s designated agent at the address noted above. This process will invoke a dispute between you and the complaining party. Your counter-notification must be in writing and contain the following information:

1. The full legal name and a physical or electronic signature of an authorized person.
2. Identification of the material that was removed or access to which was disabled and the location at which material appeared before it was removed or access to it was disabled.
3. A statement under penalty of perjury that the alleged infringer has a good faith belief that the material was removed or disabled because of mistake or misidentification.
4. Your name, address and telephone number, and a statement that you consent to the jurisdiction of the federal district court of Oregon and/or the federal district in which you are located and that you will accept service of process from the complainant.

Before you file your DMCA counter notice, please carefully consider whether or not your use of the material at issue is infringing. If you file a DMCA counter notice when your use is infringing, you could be liable for costs and attorney' fees. Substantial penalties under U.S. law apply for a false counter-notice filed in response to a notice of copyright infringement. When we receive a counter notification that satisfies the requirements of the DMCA, we will provide a copy of it to the person who sent the original infringement notification and will follow the DMCA's procedures with respect to received counter notifications. In all events, all users expressly agree that neither the City of Sandy, nor SandyNet will be a party to any disputes or lawsuits regarding alleged copyright infringement.

## **V. POLICY REGARDING REPEAT INFRINGERS**

SandyNet does not condone or tolerate copyright infringement or any violation of the intellectual property rights of the City of Sandy, SandyNet or others. SandyNet reserves the right to terminate the access and/or use privileges of any person who has been determined to be a 'repeat infringer' of the copyrights of the City of Sandy, SandyNet or others. SandyNet reserves the right to define the criteria by which SandyNet will that a person is a 'repeat infringer.' In the event that 'repeat infringer', is defined by statute, law, or regulation as applicable to 17 U.S.C § 512, SandyNet will adopt that definition as a minimum standard. Without limiting SandyNet's right to define 'repeat infringer,' as a general rule, SandyNet will define a 'repeat infringer' as any person or entity about who SandyNet has received two or more DMCA Notices of Alleged Infringement. SandyNet will take into account all relevant facts and circumstances when determining whether or not termination of access and/or use privileges of a 'repeat infringer' is appropriate. Users whose content is restored as a result of a counter-notice will not have the original DMCA notice counted as a 'strike' against them for repeat infringer purposes.

## **VI. OTHER DISPUTES**

Disputes regarding namespaces, ownership and trademarks are not governed by DMCA. These disputes must be resolved by the parties involved. SandyNet will never act as arbitrators or intermediaries in these disputes and will not take any action without the appropriate legal orders.

REGARDLESS OF WHETHER SANDYNET TERMINATES ACCESS AND/OR USE PRIVILEGES OF ANY PERSON OR ENTITY, REPEAT INFRINGER OR OTHERWISE, SANDYNET IN NO WAY WAIVES ANY RIGHT TO PURSUE ANY AVAILABLE REMEDY AT LAW OR IN EQUITY AGAINST COPYRIGHT INFRINGERS OR ANY OTHER INTELLECTUAL PROPERTY RIGHTS VIOLATORS, NOR WILL SANDYNET INDEMNIFY OR PROVIDE LEGAL REPRESENTATION TO ANY ALLEGED INFRINGER IN ANY ACTION ARISING FROM THE ALLEGED INFRINGER'S USE OF ANY CITY OF SANDY, OR SANDYNET WEBSITE OR SERVICE, EXCEPT AS EXPRESSLY DESCRIBED IN THIS NOTICE.

SandyNet and the City of Sandy reserves the right to modify this SandyNet Digital Millennium Copyright Act ('DMCA') Policy at any time. We will notify you of any material changes via written, electronic, or other means permitted by law, including by posting it on our website. If you find the changes unacceptable, you have the right to cancel the Service. If you continue to use the Service after receiving notice of such changes, we will consider that as your acceptance of the changes.