

**Designation of Agent to Receive Notification
of Claimed Infringement**

Full Legal Name of Service Provider: TBC Internet, Inc.

Alternative Name(s) of Service Provider (including all names under which the service provider is doing business): N/A

Address of Service Provider: 1626 DeKalb Avenue., Sycamore, IL 60178

Name of Agent Designated to Receive Notification of Claimed Infringement: Robert C. Barnes

Full Address of Designated Agent to which Notification Should be Sent (a P.O. Box or similar designation is not acceptable except where it is the only address that can be used in the geographic location):

1626 DeKalb Avenue, Sycamore, IL 60178

Telephone Number of Designated Agent: 815-899-4600

Facsimile Number of Designated Agent: 815-895-2526

Email Address of Designated Agent: cohenb@tbc.net

Signature of Officer or Representative of the Designating Service Provider:
Date: 2-4-01

Typed or Printed Name and Title: Brett S. Brown, Attorney

Note: This Amended Interim Designation must be accompanied by a \$20 Filing Fee made payable to the Register of Copyrights and mailed to Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024.

RECEIVED

**NO OTHER FILING
REC'D PER CO FILES**

**FEB 08 2001
COPYRIGHT OFFICE**

Brett/DMCA Amended Interim Designation

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Policy on Infringement of Third-Party Copyrights

In 1998, Congress enacted the Digital Millennium Copyright Act ("DMCA") to limit the potential liability of Online Service Providers like TBC INTERNET, INC. for direct, contributory, or vicarious copyright infringement arising from their storage, processing, transmission or other handling of third-party content. To qualify for protection under the DMCA,

TBC INTERNET, INC. HAS ADOPTED THE POLICY THAT IT WILL BAR FROM ITS SYSTEM ANY USER GUILTY OF REPEAT COPYRIGHT INFRINGEMENT. USERS SHALL BE DEEMED GUILTY OF REPEAT INFRINGEMENT IN THE EVENT THAT TWO OR MORE NOTICES OF INFRINGEMENT ARE FILED AGAINST IT AND EITHER 1) USER FAILS TO PROPERLY DISPUTE SUCH NOTICES OR 2) THE INFRINGEMENT DESCRIBED IN THE NOTICES SUBSEQUENTLY IS PROVEN IN A COURT OF LAW.

If TBC INTERNET, INC. becomes aware that infringing material has been introduced into its system, then TBC INTERNET, INC. will immediately block access to or remove such infringing material from the system. In addition, TBC INTERNET, INC. has configured and updates its system to accommodate, without interference, standard technical measures used to protect copyrighted works. "Standard technical measures" means technical measures that –

- (A) have been developed pursuant to a broad consensus of copyright owners and service providers in an open, fair, voluntary, multi-industry standards process;
- (B) are available to any person on reasonable and nondiscriminatory terms; and
- (C) do not impose substantial costs on service providers or substantial burdens on their systems or networks.

Third-Party Notice of Copyright Infringement

If an owner of material protected by copyright, or an owner's authorized agent, believes that infringing material has been introduced into the TBC INTERNET, INC. system, then, under the DMCA, such owner or authorized agent should provide TBC INTERNET, INC. notice thereof containing the following required information:

1. a description of the copyrighted work that is alleged to have been infringed, including the electronic location, such as the URL (i.e., the webpage address), where the original copyrighted work exists, or a copy of the copyrighted work; if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site should be included;

2. the URL web address or other specific location where the allegedly infringing material is located;
3. the notifying party's name and a statement by the notifying party that it has a good faith belief that use of the allegedly infringing material is not authorized by the copyright owner, its agent, or the law;
4. the address, telephone number, and e-mail address of the notifying party;
5. a statement by the notifying party, made under penalty of perjury, that the information in the notice is accurate and that the notifying party is the copyright owner or the owner's authorized agent; and
6. an electronic or physical signature of the person authorized to act on behalf of the owner of the copyright interest.

Notice as aforesaid shall be communicated to TBC INTERNET, INC.'s Designated Agent to Receive Notification of Claimed Infringement:

Mr. Robert C. Barnes

By mail: 1626 DeKalb Avenue
Sycamore, IL 60178

By email: cohenb@tbc.net

Action in Response to Third-Party Notice of Copyright Infringement

On receipt of an infringement notice containing the above-listed information, or when TBC INTERNET, INC. otherwise becomes aware that infringing material has been introduced into its system, TBC INTERNET, INC. immediately will block access to or remove the infringing or allegedly infringing material. Thereafter, TBC INTERNET, INC.'s designated agent for receipt of DMCA infringement notices will notify the user who posted the allegedly infringing material to the system that TBC INTERNET, INC. has removed or blocked such material. Such notification to the user will include a reference to TBC INTERNET, INC.'s policy on infringement of third-party copyrights, the information supplied to TBC INTERNET, INC. in the complaining party's notice of alleged infringement, and a statement that, if the user submits to TBC INTERNET, INC. a written counter-notification containing the following elements, TBC INTERNET, INC. will unblock or replace the disputed material within ten to fourteen (10-14) business days of its receipt of the counter-notification, to wit:

- a. identification of the material that has been removed or blocked;

- b. a statement, under penalty of perjury, that the user has a good faith belief that the material was removed or blocked as a result of mistake or misidentification;
- c. the user's name, address, and telephone number;
- d. a statement that the user consents to the jurisdiction of the Federal District Court for the judicial district in which the user's address is located and also consents to service of process by the complaining party or its agent (in the event the user's address is located outside the United States, jurisdiction shall be proper in the jurisdiction where TBC INTERNET, INC. is located; and
- e. a physical or electronic signature of the user;

Under the DMCA, if a user provides TBC INTERNET, INC. with a counter-notification containing the above-listed elements, then, to avoid potential liability to the user for blocking or removing the disputed material, TBC INTERNET, INC. must unblock or replace the disputed material within ten to fourteen (10-14) business days of its receipt of the user's counter-notification, unless within that timeframe TBC INTERNET, INC. is notified by the complaining party that a court action has been filed seeking to restrain the alleged infringement. On receipt of counter-notification in compliance with the DMCA, TBC INTERNET, INC. promptly will provide a copy of such counter-notification to the copyright owner (or authorized agent) who sent the original infringement notification, along with a statement informing said person that, unless it receives notice of the filing of a court action to restrain the alleged infringement, TBC INTERNET, INC. will restore the disputed material within ten to fourteen (10-14) business days of the date of TBC INTERNET, INC. received the counter-notification.