

**THREE STRIKES COPYRIGHT “REPEAT INFRINGER” TERMINATION POLICY  
IMPLEMENTATION AND INTERNAL PROCEDURE GUIDE**

**Introduction**

The Craw-Kan Telephone Cooperative (“Craw-Kan”) Acceptable Use Policy prohibits subscribers from using Craw-Kan’s Internet access and other related services to infringe upon copyrights, patents, trademarks, and any other intellectual property rights.

Under the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512, Internet Service Providers (ISPs) such as Craw-Kan have a “safe harbor” from copyright infringement claims if they: (1) designate an agent to receive copyright takedown and infringement notices; and (2) have a policy with procedures to address infringement notices; and (3) take action against repeat infringers, including limitation, suspension, and/or termination of service. This Implementation Guide and DMCA Policy is designed to preserve Craw-Kan’s safe harbor under the DMCA.

**Craw-Kan’s DMCA policy is to suspend and, if necessary, terminate Internet access service to “repeat copyright infringers” in “appropriate circumstances.”**

**Craw-Kan’s “Three-Strike” Policy for “Repeat Infringers”**

Craw-Kan has established a clear “three-strike” policy to identify and take appropriate action when subscribers receive notices alleging repeated copyright infringement. Under this policy, any subscriber receiving three (3) strikes is considered a “repeat infringer” and Internet access is terminated unless the subscriber responds reasonably disputing the veracity of the notices or otherwise provides an appropriate explanation (e.g., fair use).

A “strike” is defined as any one or more proper notices from a copyright claimant in any one-week period, with, in the case of a subsequent strike, the notice of claim following at least ten (10) business days after the date of Craw-Kan’s prior notification to the subscriber. Craw-Kan will attempt to educate the subscriber, as appropriate (e.g. offering information on how to secure a wireless internet router).

The “three-strikes” policy will identify and address “repeat” offenders. The ten (10) business-day grace period is to follow the counter-notice period specified in the DMCA (with regard to hosted content) and give subscribers a fair chance to provide counter-notice.

## **Administrative Implementation and Procedures**

1. **First Strike**. Craw-Kan will **send written notice to** each subscriber for whom Craw-Kan has received any one or more notices of claimed copyright infringement. Craw-Kan will send written notice by electronic mail or U.S. Mail. (See Exhibit A) Craw-Kan’s customer notice will include information about the alleged infringement.

2. **Second Strike**. Upon receiving one or more notices from a copyright claimant that would constitute a second “strike” as defined above (i.e., a copyright infringement notice more than ten (10) business days following the first notice to the subscriber), Craw-Kan will make a **second** contact by telephone or, if necessary, electronic or U.S Mail.

3. **Third Strike**. Upon receiving one or more notices from a copyright claimant that would constitute a third “strike” as defined above (i.e., a copyright complaint more than ten (10) business days following the second notice to the subscriber), Craw-Kan will attempt to contact the subscriber by telephone and also mail a final disconnection notice to the subscriber’s billing address in the form attached hereto as Exhibit B.

### **Internal Escalation Process and “Appropriate Circumstances”**

The “three-strike” escalation process should not be rigidly applied without regard to a customer’s individual circumstances. If a customer appropriately responds disputing the claims, provides a reasonable explanation (e.g., an unsecured WiFi router or malware on their computer), and/or provides adequate assurances that the alleged conduct will cease, then Craw-Kan may reasonably rely on such affirmations and assurances and opt not to terminate the Customer’s account. If the customer does not respond to Craw-Kan’s three “strike” notices, then the subscriber’s service will be terminated.

Craw-Kan will record and forward notices pertaining to any hotel, library or business (such as a café or coffee shop) operating a public Wi-Fi system. However, limitation, suspension and termination of service for such subscribers will be addressed on a case-by-case basis because enforcement against transient guests or anonymous users is often not practicable.

### **Reconnection**

In the event of termination in accordance with the above escalation policy, the subscriber would not be eligible for reconnection for **six-months** unless approved by the General Manager.

***DMCA Policy Last Updated: November 24, 2020***

[customer name]

**EXHIBIT A**

[address – electronic or U.S. Mail]

**COPYRIGHT INFRINGEMENT NOTICE  
(FIRST/SECOND NOTICE)**

Dear **Customer**:

Craw-Kan Internet (Craw-Kan) has received notice(s) from one or more copyright owners, or their authorized agents, alleging that on **date** at **time**, your IP address was identified as having been used to illegally copy and/or distribute copyrighted movies, music, and/or television shows **[title(s)]**. Craw-Kan is notifying you of the alleged infringement pursuant to the Digital Millennium Copyright Act (“DMCA”).

**[Second Notice Only] These copyright infringement claims are in addition to the claim(s) that were the subject of the first notice sent to you on [date/year].**

Craw-Kan’s Internet Acceptable Use Policy requires compliance with all applicable laws and specifically prohibits the use of Craw-Kan systems for copyright infringement. The Policy is posted at <https://ckt.net/> Repeated violations of Craw-Kan’s policy may result in limitation, suspension, or termination of your service. Additionally, Craw-Kan reserves the right to terminate your service immediately, without further notice, if additional notices of infringement are received that identify your service account as the source of infringement.

If you believe that a copyright owner has incorrectly identified your service account as the source of copyright infringement, or that you have otherwise received this notice in error, or if you would like technical assistance to secure your Internet service from other possible users, please contact our helpdesk at **1-800-362-0316**.

Sincerely,

DMCA Agent for Craw-Kan

200 N. Ozark

Girard, KS 66743

[dmcaagent@ ckt.net](mailto:dmcaagent@ckt.net) | [www.ckt.net](http://www.ckt.net)

[customer name]

[address – electronic or U.S. Mail]

## COPYRIGHT INFRINGEMENT NOTICE

### (FINAL NOTICE)

Dear Customer:

Craw-Kan Internet has received notice(s) from one or more copyright owners, or their authorized agents, alleging that on **date** at **time**, your IP address was identified as having been used to illegally copy and/or distribute copyrighted movies, music, and/or television shows **[title(s)]**. **These copyright infringement claims are in addition to the claim(s) that were the subject of the prior notices sent to you on [date/year] and [date/year]**. Craw-Kan is notifying you of the alleged infringement pursuant to the Digital Millennium Copyright Act (“DMCA”).

As previously noted, the Craw-Kan Internet Acceptable Use Policy posted at <https://ckt.net> specifically prohibits the use of Craw-Kan systems for copyright infringement. Violation of Craw-Kan’ Acceptable Use Policy may result in limitation, suspension, or termination of your service. **Pursuant to Craw-Kan’s DMCA escalation policy, your Internet access service has been terminated.**

If you believe that a copyright owner has incorrectly identified your service account as the source of copyright infringement, or that you have otherwise received this notice in error, please contact our helpdesk at **1-800-362-0316**.

Sincerely,

DMCA Agent for Craw-Kan

200 N. Ozark

Girard, KS 66743

[dmcaagent@ckt.net](mailto:dmcaagent@ckt.net) | [www.ckt.net](http://www.ckt.net)

[customer name]

[address – electronic or U.S. Mail]

**COPYRIGHT INFRINGEMENT NOTICE  
(RECONNECTION LETTER)**

Dear **Customer**:

Due to repeated notices from one or more copyright owners, or their authorized agents, alleging that your Internet service account was used to illegally copy and/or distribute copyrighted movies, music, and/or television shows, your account was disconnected pursuant to the Digital Millennium Copyright Act (“DMCA”).

If you believe that a copyright owner has incorrectly identified your service account as the source of copyright infringement, or that you have otherwise received this notice in error, or if you would like technical assistance to secure your Internet service from other possible users, please contact our helpdesk at **1-800-362-0316**.

Otherwise, Craw-Kan will not reconnect your Internet service for **6** months unless you agree to the following terms and conditions:

1. I will not illegally distribute or download any movies, music, television shows, or other copyrighted material via the Internet using my Internet access account.
2. I fully understand that if I do distribute or download movies, music, television shows, or other copyrighted material from the Internet, then my Internet access account with Craw-Kan will be terminated permanently.
3. By signing this letter, I assume full legal responsibility if any legal action is taken for the distribution or downloading of any copyright materials.

\_\_\_\_\_ [Name] Date: \_\_\_\_\_

Sincerely,

DMCA Agent for Craw-Kan

200 N. Ozark

Girard, KS 66743

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