



## COPYRIGHT INFRINGEMENT POLICY

Revised – August 1<sup>st</sup>, 2024

### 1. OBJECTIVE

Henderson Municipal Power & Light (“HMP&L”) complies with the Online Copyright Infringement Liability Act of 1998 (17 U.S.C. § 512). As required by that Act, this policy reserves the right for HMP&L to terminate the internet service of members who repeatedly infringe copyrights.

### 2. POLICY

Pursuant to the Digital Millennium Copyright Act (“DMCA”), copyright owners may notify a service provider such as HMP&L of alleged copyright infringement carried out on the provider’s network.

When HMP&L receives a notification of copyright infringement, it will take the following steps:

- a. First warning – Letter is sent to subscriber notifying them of their copyright infringement and violation of HMP&L’s Acceptable Use Policy (AUP) and the Terms of Service (TOS). This letter will also inform them that HMP&L may suspend or terminate service if violation continues. (Attachment A)
- b. Second warning – If there is a second offense in a 12-month period, a second warning will be sent. This letter will notify the subscriber of their copyright infringement and violation of HMP&L’s AUP and TOS. The letter will also inform the subscriber that HMP&L may suspend or terminate service if violation continues. (Attachment B)
- c. Final warning – If there is a third offense in a 12-month period, HMP&L will issue a final warning letter to the subscriber. This letter will be sent via certified mail. This letter will notify the subscriber of their copyright infringement and violation of HMP&L’s AUP and TOS. The letter will also inform the subscriber that HMP&L may suspend or terminate service if violation continues. (Attachment C)
- d. Notice of termination – If there is a fourth offense in a 12-month period, HMP&L will terminate the service and send a letter to the subscriber via certified mail. This letter will notify the subscriber that their account has been terminated effective immediately and that equipment should be returned to HMP&L. (Attachment D)

HMP&L reserves the right to act immediately and without notice to suspend or terminate services in response to a court order or other legal requirement that certain conduct be stopped, or when HMP&L determines that the conduct may:

- Expose HMP&L to sanctions, prosecution or civil action;
- Cause harm to or interfere with the integrity or normal operations of HMP&L’s network or facilities;
- Interfere with another subscriber’s use of HMP&L Services or the Internet;
- Damage or disparage the reputation of HMP&L or its services; or
- Otherwise present a risk of harm to HMP&L or HMP&L’s customers or their employees, officers, directors, agents, or other representatives.

### 3. RECORD RETENTION

All Copyright Infringement Notifications and supporting documentation shall be retained for five years. All correspondence with the subscriber shall be retained in HMP&L digital system for a minimum of five years. A



database that includes account number, date of notification, etc. will also be kept of all Copyright Infringement Notifications.

#### 4. RESPONSIBILITY

Brian Hardesty, Chief Technology Officer (CTO), is listed as the FCC and ISP Designated Agent and will be the primary point of contact for all Copyright Infringement Notifications via the following email address: [brian@hmpl.net](mailto:brian@hmpl.net).



**Attachment A (DMCA 1st Warning)**

(Account Holder Name)

(Street Address)

(City State, Zip)

(Date)

Dear (Name),

Re: (Account Number Here)

The purpose of this warning is to inform you that HMP&L has received a notice of copyright infringement sent pursuant to the Digital Millennium Copyright Act ("DMCA") in connection with your account. The DMCA, passed by Congress in 1998, allows copyright owners to notify a service provider, such as HMP&L, of alleged copyright infringement carried out on the provider's network.

Unauthorized posting, copying/or distribution of copyrighted material is a violation of HMP&L's Acceptable Use Policy (AUP) and Terms of Service (TOS) which prohibit use of the HMP&L Network and Services in any manner that would infringe or otherwise violate the intellectual property rights of others. The HMP&L AUP and Agreement state that HMP&L may suspend or terminate your service for violation of the AUP and/or Agreement.

We encourage enabling secured passwords on your home Wi-Fi network, if you have one, to avoid unauthorized use of your Internet connection.

Please be advised that if this violation continues, or if additional violations occur, HMP&L may take further action, including the suspension or termination of your Service. Please contact our office with any questions.

Thank you for your attention to this matter,

Henderson Municipal Power & Light  
1213 Barret Blvd.  
Henderson, KY 42420

(Attach copy of email/document from infringement notice and any screen shot of IP assignment you may have)



**Attachment B (DMCA 2nd Warning)**

(Date)

(Account Holder Name)

(Street Address)

(City State, Zip)

Dear (Name),

Re: (Account Number Here)

The purpose of this letter is to inform you that HMP&L has received an **additional notice of copyright infringement** sent pursuant to the Digital Millennium Copyright Act ("DMCA") in connection with your account. The DMCA, passed by Congress in 1998, allows copyright owners to notify a service provider, such as HMP&L, of alleged copyright infringement carried out on the provider's network.

Unauthorized posting, copying/or distribution of copyrighted material is a violation of HMP&L's Acceptable Use Policy (AUP) and Terms of Service (TOS) which prohibit use of the HMP&L's Network and Services in any manner that would infringe or otherwise violate the intellectual property rights of others. The HMP&L AUP and TOS both state that HMP&L. may suspend or terminate your service for violation of the AUP and/or Agreement.

Please be advised that if this violation continues, or if additional violations occur, HMP&L will take further action, including the suspension or termination of your Service. Please contact our office with any questions.

Please contact our office with any questions.

Thank you for your attention to this matter,

Henderson Municipal Power & Light  
1213 Barret Blvd.  
Henderson, KY 42420

(Attach copy of email/document from infringement notice)

**Attachment C (DMCA Final Warning)**

# FINAL WARNING

(Date)

(Account Holder Name)

(Street Address)

(City State, Zip)

Dear (Name),

Re: (Account Number Here)

The purpose of this letter is to inform you that HMP&L has received an **additional notice of copyright infringement** sent pursuant to the Digital Millennium Copyright Act ("DMCA") in connection with your account. The DMCA, passed by Congress in 1998, allows copyright owners to notify a service provider, such as HMP&L, of alleged copyright infringement carried out on the provider's network.

Unauthorized posting, copying/or distribution of copyrighted material is a violation of HMP&L's Acceptable Use Policy (AUP) and Terms of Service (TOS) which prohibit use of the HMP&L's Network and Services in any manner that would infringe or otherwise violate the intellectual property rights of others. The HMP&L AUP and TOS both state that HMP&L. may suspend or terminate your service for violation of the AUP and/or Agreement.

**Your service has been temporarily suspended.** Please be advised that previous notifications explained that if additional violations occurred, HMP&L could take further action, including the suspension or termination of your Service.

Please contact our office with any questions.

Respectfully,

Henderson Municipal Power & Light  
1213 Barret Blvd.  
Henderson, KY 42420

(Attach copy of email/document from infringement notice)

**Attachment D (DMCA Termination Notice)**

# TERMINATION NOTICE

(Date)

(Account Holder Name)

(Street Address)

(City State, Zip)

Dear (Name),

Re: (Account Number Here)

This notice is to inform you that HMP&L will be suspending/disconnecting your account as of (INSERT DATE). HMP&L has received an **additional notice of copyright infringement** sent pursuant to the Digital Millennium Copyright Act ("DMCA") in connection with your account. The DMCA, passed by Congress in 1998, allows copyright owners to notify a service provider, such as HMP&L, of alleged copyright infringement carried out on the provider's network.

Unauthorized posting, copying/or distribution of copyrighted material is a violation of HMP&L's Acceptable Use Policy (AUP) and Terms of Service (TOS) which prohibit use of the HMP&L's Network and Services in any manner that would infringe or otherwise violate the intellectual property rights of others. The HMP&L AUP and TOS both state that HMP&L. may suspend or terminate your service for violation of the AUP and/or TOS.

**Please be advised that we have received previous violations and have accordingly sent notification to you of this issue. Based on the additional notification of copyright violation we have no choice but to suspend/terminate your Service.**

Please contact our office with any questions.

Respectfully,

Henderson Municipal Power & Light  
1213 Barret Blvd.  
Henderson, KY 42420

(Attach copy of email/document from infringement notice)