



Digital Millennium Copyright Act

The Digital Millennium Copyright Act (DMCA), which was passed in 1998, protects Internet Service Providers – such as Allied Telesis Capital Corp. (ATCC) – from absolute liability in copyright infringement cases.

If you received a DMCA Notice and have questions or concerns, please visit our [Frequently Asked Questions](#) before calling.

Traditional copyright law imposes "absolute liability" for violation of the five traditional copyright rights: reproduction, distribution, modification, public performance and public display.

The DMCA provides immediate relief from monetary damages for certain common Internet activities. For example, an Internet message posted on a website could contain copyrighted material used without permission of the copyright holder. The DMCA keeps the Internet Service Provider (ISP) from being held liable in this situation under the regulations outlined in the Online Copyright Infringement Liability Limitation Act found in section 512 of the DMCA – the text of which can be found at the U.S. Copyright Office website: www.loc.gov/copyright.

The exemptions created by OCILLA fall into four categories:

- Intermediate and transient storage of materials (such as Web pages or chat room discussions) in the course of transmitting, routing or providing connections;
- System caching;
- Placing information on a system or network at the direction of users, and;
- The use of information location tools, such as directories, indexes and hypertext links.

The DMCA limits ISPs from copyright infringement liability for simply transmitting information over the Internet. However, ISPs are expected to remove material that appears to constitute copyright infringement. It does not affect rights, remedies, limitations or defenses to copyright infringement, including fair use.

It is ATCC's policy to respond to notices of alleged copyright infringement that comply with the DMCA (the text of which can be found at the U.S. Copyright Office website: www.loc.gov/copyright). This might include removing or disabling access to material claimed to be the subject of infringing activity. If ATCC removes or disables access to comply with the DMCA, we will make a good faith attempt to contact the owner or administrator of an affected site so that they may make a counter notification pursuant to sections 512(g)(2) and (3) of the DMCA.

To file a notice of copyright infringement with ATCC, a written communication by fax or regular mail must be received which:

- Outlines in detail the copyrighted work that has been infringed
- Identifies the material claimed to have been copied
- Provides address, telephone number or other method of contact of the person claiming the infringement
- Includes signature of copyright owner or authorized person acting on behalf of the copyright owner.
- Includes the following statement:

"I have a good faith belief that use of the copyright materials described above on the allegedly infringing web pages is not authorized by the copyright owner, its agent or the law."

- Includes the following statement:

"I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed."

The complaint may be filed by mail or fax to ATCC's designated agent at:

Mail:	Allied Telesis Capital Corp. Attn: Liberty Knight 19800 North Creek Parkway Suite 100 Bothell, WA 98011
Fax:	(425) 481-3812
E-mail:	liberty_knight@alliedtelesis.com
Telephone:	(425) 481-3843

The DMCA also provides for counter notification if the administrator of an effected site believes he or she is being wrongly accused of copyright infringement. A written communication by fax or regular mail must be received. The author of the letter will be held liable for damages including costs and attorneys fees if he or she is, indeed, discovered to be infringing on another's copyright. Contacting an attorney before filing a counter notification might be advisable.

The letter of counter notification must include:

- Identification of URLs or material that has been removed or disabled by ATCC.
- Provide name, address, telephone number, email address and a statement consenting to the jurisdiction of the Federal District Court for the judicial district in which your address is located.
- Include the following statement: "I swear, under penalty of perjury, that I have a good faith belief that the item identified above was removed or disabled as a result of a mistake or misidentification."
- Execute the document with your signature.

Send the written communication to:

Mail:	Allied Telesis Capital Corp. Attn: Liberty Knight 19800 North Creek Parkway Suite 100 Bothell, WA 98011
Fax:	(425) 481-3812
E-mail:	liberty_knight@alliedtelesis.com
Telephone:	(425) 481-3843

ATCC will notify the copyright owner and within 14 business days restore the material, unless the matter has been referred to a court.

U.S. Copyright law provides consequential penalties for a false counter notice filed in response to a notice of copyright infringement.

[Frequently Asked Questions](#)