

VYVE BROADBAND DMCA POLICY

Vyve Broadband, LLC and its subsidiaries (“Vyve,” “us,” “we” or the “Company”) are committed to complying with U.S. copyright and related laws and protecting the intellectual property rights of others. Vyve’s subscribers may not store, access, send, receive, list, link, post, share, disseminate, or otherwise make available, any information which infringes the intellectual property rights of any person or entity, including rights granted by U.S. copyright law. Subscribers should be aware that they may be legally liable for engaging in any such activity. In accordance with the provisions of the Digital Millennium Copyright Act (“DMCA”) and other applicable laws, Vyve reserves the right, in its sole discretion, to suspend or terminate, in appropriate circumstances, any subscriber who Vyve reasonably believes to be infringing third-party copyrights or intellectual property rights, including repeat infringers. This policy is in addition to and does not affect or modify any other rights that Vyve may have under contract or law.

Vyve is registered under the DMCA. If, as a copyright owner, you believe in good faith that a Vyve subscriber has used material that infringes an exclusive right you have with respect to such material, you or your authorized agent may file a notice of claimed copyright infringement with us. The notice must be sent to Vyve’s designated agent:

Vyve Broadband, LLC
Four International Drive, Suite 330
Rye Brook, New York 10573
Attn: DMCA Agent
Facsimile: 914-234-8363
Email: DMCA@vyvebb.com

All notices of claimed copyright infringement by a copyright holder must be a written communication provided to Vyve’s designated agent and must include the following:

- A physical or electronic signature of a person authorized to act on your behalf as the owner of an exclusive right that is allegedly infringed;
- Identification of the copyrighted work claimed to have been infringed, or, if multiple copyright works at a single online site are covered by a single notification, a representative list of such works at that site;
- 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, along with the infringing IP address, and time, date and time zone during which such allegedly infringing activity occurred, to permit us to locate the material;
- Information reasonably sufficient to permit us to contact you, the copyright owner or your authorized agent, such as an address, telephone number and, if available, an electronic mail address at which you or your authorized agent may be contacted;
- A statement that you or your authorized agent has a good faith belief that use of the material in the manner complained of is not authorized by you, your agent or the law; and

- A statement that the information in the notification is accurate, and under penalty of perjury, that you are the owner or authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Upon receipt of written notification of claimed copyright infringement from a copyright owner that contains all of the required information noted above, if we have sufficient information to identify the subscriber, we will notify the subscriber of the alleged infringement and remove or disable access to the material that is alleged to be infringing if hosted on our domain. No personal subscriber information will be shared with the copyright owner unless required by law.

If, as a subscriber, you receive a notification of a copyright infringement from Vyve and you believe that a copyright holder has accused you in error, you may file a DMCA counter notification with Vyve's designated agent.

To be effective, a counter notification must be a written communication to Vyve's designated agent and must include the following:

- A physical or electronic signature of the subscriber;
- Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled;
- A statement under penalty of perjury that the subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled;
- The subscriber's name, address, and telephone number; and
- A statement that the subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the address is located, or if the subscriber's address is outside of the United States, for any judicial district in which the service provider may be found, and that the subscriber will accept service of process from the person who provided notification or an agent of such person.

Upon receipt of a counter notification that satisfies all of the requirements of the DMCA noted above, Vyve will provide a copy of the counter notification to the copyright holder who sent the original notification of claimed infringement and will follow the DMCA's procedures with respect thereto. In all events, subscriber agrees that Vyve will not be a party to any dispute or lawsuit regarding alleged copyright infringement.

NOTE: The information provided to you in this DMCA Policy is not intended as legal advice. If you believe your rights under United States copyright law have been infringed, you should consult with an attorney.