



ABOUT

About Subsentio®

Subsentio, LLC is trusted by both the private and the public sectors for all aspects of legal compliance, including lawful intercept, records production and DMCA compliance. Based in Centennial, Colorado, our clients range from international, regional, and rural communication service providers.

Subsentio provides compliance services to a diverse community of communications service providers around the globe. Our clients serve millions of subscribers with a wide range of communications services. These services are often complex, multi-vendor environments encompassing differing phases of evolution and technological approaches.



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DMCA Compliance Services

Enabling "Safe Harbor" from Costly Copyright Infringement Litigation

Under the Digital Millennium Copyright Act (DMCA), communications service providers (CSPs) may be held liable when their customers use their network to download copyrighted material online without permission. CSPs are required to follow strict procedures notifying customers of violations. A CSP's failure to issue "take-down notices" to offenders and terminate repeat offenders can result in stiff financial penalties.

In December, 2015, a major Internet service provider was fined \$25 million "because the company did not 'reasonably implement' a policy to terminate repeat infringers." Since this ruling, copyright holders have filed additional multi-million US dollar lawsuits against other major CSPs, paving the way for more litigation and fines filed against CSPs.

As the Trusted Third-Party Compliance Company, Subsentio's services include DMCA Compliance Services. We establish and enforce a policy that puts CSPs in "Safe Harbor" from legal action under DMCA.

How Subsentio DMCA Compliance Services Works

Subsentio offers DMCA compliance services for all CSPs impacted by DMCA. We act as the CSPs designated agent to validate the copyright infringement claims and notify your subscribers of these claims received from companies and individuals claiming copyright infringement of specific material downloaded using your network. Subsentio developed a secure cloud-based management system to handle these claims efficiently and accurately, mitigating the risks of failing to adhere to the "Safe Harbor" provisions in DMCA and suffering from expensive litigation.

The Subsentio team specializes in legal compliance and supports over 100 CSPs today. Our analysts have years of experience in the validation and extraction of customer records. We notify the subscriber of alleged copyright infringement, explaining the notice and advising of techniques to avoid future infringement. Our goal is to educate subscribers and avoid the need to terminate repeat offenders while enforcing the "Safe Harbor" policy.



DMCA Compliance Services

Subsentio's Infringement Management Features and Benefits

- We manage and organize the intake of all infringement claims, even for volumes in excess of 20K per year.
- Our management system scrapes the claim for required information and creates a corresponding case file for identifying repeat offenders.
- Our fully integrated system queries your systems automatically for relevant subscriber information to reduce costly, manual efforts.
- We notify subscribers of the alleged copyright infringement, suggest ways to avoid future claims, and field calls from subscribers.
- We generate periodic reports to identify repeat offenders for eventual termination and forecast trends of received claims for future activity.

DMCA

Safe Harbor Provisions

- CSP only transmits, routes, or provides connections for copyrighted materials (customer serves as a "mere conduit for the transmission")
- CSP provides intermediate & temporary storage of material on a system or network under certain conditions (system caching).
- The infringing material "resides" on the CSP's system or network at the direction of the subscriber (storing).
- CSP only links users to online locations containing the infringing material.



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Preventing Liability and Protecting Privacy

Responding to legal process while protecting customer privacy rights, is important and necessary, but typically not a core competency for CSPs. The cost of non-compliance with such requests, as well as privacy laws, can be high for CSPs. Heavy fines may be levied against them, prosecution for criminal action can be sought, and the threat of lawsuits from consumers and advocacy groups is always present. CSPs that fail to protect customer privacy may find the greatest damage to them comes in the form of lost consumer confidence and brand erosion. Simply put, CSPs lose customers when they lose trust.

Subsentio has created secure systems and reliable processes by which CSPs can refer claims for processing, confident that their individual subscribers will be notified of the claims submitted against them while at the same time retaining their individual privacy. In addition, Subsentio coordinates both the retrieval of the subscriber information, customer coordination along with systematic reporting.