

Repeat Infringer Policy - Summary

The “safe harbour” provisions in the Copyright Act 1968 (Cth) operate to limit the remedies able to be awarded against an ISP, such as iiNet, for copyright infringement provided that the ISP complies with various conditions. All categories of the safe harbour provisions require that iiNet adopt and reasonably implement a policy that provides for termination, in appropriate circumstances, of the accounts of repeat infringers.

This document provides a summary of the policy implemented by iiNet Limited and each of its subsidiaries.

In particular, it sets out the conditions under which iiNet will terminate, in appropriate circumstances, the accounts of repeat infringers.

Category A (Transmission-Based) Activities¹

iiNet may terminate the account of the relevant account holder where either of the following conditions have been satisfied:

- (a) a ruling from a court with appropriate jurisdiction that an account holder, has repeatedly infringed copyright using a service provided by iiNet;
- (b) where an account holder admits that they have repeatedly infringed copyright using a service provided by iiNet.

iiNet will not terminate customer accounts where the circumstances are not “appropriate circumstances”.

Category C (Hosting) and Category D (Search Engine and Linking) Activities²

iiNet may terminate the account of the relevant account holder where iiNet is reasonably certain that an account holder has repeatedly infringed copyright in respect of a Category C or D Activity.

iiNet will not terminate customer accounts in respect of Category C or D Activities where:

- (a) the account is the subject of an unresolved dispute regarding the allegations of copyright infringement contained in a notification; or
- (b) there are other facts or matters which mean that the circumstances are not “appropriate circumstances”.

¹ **Category A activity** - A carriage service provider carries out a *Category A* activity by providing facilities or services for transmitting, routing or providing connections for copyright material, or the intermediate and transient storage of copyright material, or the intermediate and transient storage of copyright material in the course of transmission, routing or provision of connections. (Copyright Act 1968 Sect 116AC)

² **Category C activity** - A carriage service provider carries out a *Category C* activity by storing, at the direction of a user, copyright material on a system or network controlled or operated by or for the carriage service provider. (Copyright Act 1968 Sect 116AE)

Category D activity - A carriage service provider carries out a *Category D* activity by referring users to an online location using information location tools or technology. (Copyright Act 1968 – Sect 116AF)