



## 1. REPEAT INFRINGER POLICY - SUMMARY

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The 'safe harbour' provisions in the *Copyright Act 1968* (Cth) operate to limit the remedies able to be awarded against an ISP, such as TransACT, for copyright infringement provided that the ISP complies with various conditions. All categories of the safe harbour provisions require that TransACT 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 TransACT Capital Communications Pty Ltd ("**TransACT**") and each of its related bodies corporate, including its parent company, iiNet Limited.

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

## 2. CATEGORY A (TRANSMISSION-BASED) ACTIVITIES<sup>1</sup>

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TransACT may terminate the account of the relevant account holder where either of the following conditions has been satisfied:

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

TransACT will not terminate customer accounts where the circumstances are not "appropriate circumstances".

## 3. CATEGORY C (HOSTING) AND CATEGORY D (SEARCH ENGINE AND LINKING) ACTIVITIES<sup>2</sup>

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

TransACT 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".

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<sup>1</sup> **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.

<sup>2</sup> **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.

**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 116AC)