

VALIDUS SERVICES

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DMCA POLICY

Validus Services, LLC (“Validus Services”) respects the intellectual property rights of others and will not knowingly transmit, link, route, provide connections to or otherwise disseminate, or cache or otherwise store infringing materials on or through any system or network controlled or operated by it.

The agent designated by Validus Services to receive notification of alleged copyright infringement (the “Designated Agent”) in accordance with the Digital Millennium Copyright Act (“DMCA”) is:

Denise Veldhuizen
Director of Administration
10654 Justin Drive, Urbandale, IA 50322
515.278.8002
515.278.8011
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I. Notification Requirements:

Validus Services, through its Designated Agent, will evaluate the notice of claimed infringement (hereinafter the "Notice") to determine whether it conforms to the statutory requirements. To be effective under the law, the Notice must be a written communication provided to the Designated Agent from the alleged copyright owner or a person authorized to act on his or her behalf (the "Complaining Party") that includes substantially the following:

- (1) A physical or electronic signature of the Complaining Party;
- (2) Identification of the copyrighted work claimed to have been infringed;
- (3) Identification of the material that is claimed to be infringing or to be the subject of infringing activity that the Complaining Party requests to be removed or for which access is requested to be disabled. Identification of the material must be reasonably sufficient to permit Validus Services to locate the material;
- (4) Information reasonably sufficient to permit Validus Services to contact the Complaining Party, such as address, telephone number and, if available, e-mail address, at which the Complaining Party may be contacted;
- (5) A statement that the Complaining Party has a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner, its agent or the law; and

- (6) A statement that the information in the Notice is accurate and, under penalty of perjury, that the Complaining Party is the owner of an exclusive right that is allegedly infringed or is authorized to act on his or her behalf.

II. Failure to Comply with Notice Requirements:

If a Notice provided by a Complaining Party fails to comply substantially with all of the provisions of Part I above, but substantially complies with items (2), (3), and (4), Validus Services will promptly attempt to contact the Complaining Party to inform the Complaining Party that its Notice does not comply with the statutory requirements of the DMCA to constitute an effective Notice.

Validus Services will take reasonable steps to assist in receipt of an effective Notice. Validus Services may, for instance, refer the Complaining Party to Validus Services' DMCA Policy on its website or to Section 512(c)(3) of the DMCA for information on the elements of a proper Notice.

If the original Notice substantially conforms to all of the provisions of Part I above or if the Complaining Party provides the Designated Agent with the missing information to bring the Notice into compliance, Validus Services will then proceed as identified under Part III below.

If the Complaining Party does not promptly respond to bring its Notice into substantial compliance with the provisions of Part I above, Validus Services will take no action to remove or otherwise disable access to the material alleged to be infringing.

III. Action Taken by Validus Services Upon Receipt of Complying Notice

Upon receipt of a Notice substantially conforming with the provisions of Part I above, Validus Services will promptly remove or otherwise disable access to the material alleged to be infringing and will promptly take reasonable steps to notify the "Subscriber" (as this term is used in the DMCA) that it has removed or disabled access to the material and will provide the Subscriber with a copy of the Notice from the Complaining Party.

IV. Counter-Notification Requirements

The Subscriber may provide a "Counter Notification" to the Designated Agent in response to the Notice from the Complaining Party. The Counter Notification must be a written communication provided to the Agent that includes substantially the following:

- (1) A physical or electronic signature of the Subscriber;
- (2) 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;

- (3) 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; and
- (4) The Subscriber's name, address and telephone number
- (5) A statement that the Subscriber consents to the jurisdiction of a federal district court as follows:
 - (a) If the Subscriber's address is in the United States, that the Subscriber consents to the jurisdiction of the federal court in the judicial district in which the Subscriber's address is located;
 - (b) If the Subscriber's address is outside the United States, that the Subscriber consents to the jurisdiction of the federal court in any judicial district in which Validus Services may be found (e.g., where Validus Services is incorporated, or has a place of business)
- (6) A statement that the Subscriber will accept service of process from the Complaining Party who provided the Notice or an agent of the Complaining Party.

V. Failure to Comply with Counter Notification Requirements

If a Counter Notification provided by a Subscriber fails to substantially conform to the provisions of Part IV above, Validus Services will promptly attempt to contact the Subscriber to inform the Subscriber that its Counter Notification does not comply with the statutory requirements of the DMCA to constitute an effective Counter Notification.

Validus Services will take reasonable steps to assist in receipt of a Counter Notification that substantially complies with the DMCA. Validus Services may, for instance, refer the Complaining Party to Validus Services' DMCA Policy on its website or to Section 512(g)(3) of the DMCA for information on the elements of a proper Counter Notification.

If the original Counter Notification substantially conforms to all of the provisions of Part IV above, or if the Subscriber provides the Designated Agent with the missing information to bring the Counter Notification into compliance, Validus Services will then proceed as identified under Part VI below.

If the Complaining Party does not promptly respond to bring its Counter Notification into substantial compliance with the provisions of Part IV above, Validus Services will take no action to replace the removed material or cease disabling access to the material.

V. Action Taken by Validus Services Upon Receipt of a Complying Counter Notification

Upon receipt of a Counter Notification in substantial compliance with the provisions of Part IV above, Validus Services will:

- (1) Promptly provide the Complaining Party with a copy of the Subscriber's Counter Notification;
- (2) Inform the Complaining Party in writing that Validus Services will replace the removed material or cease disabling access to the material in ten (10) business days from the date of Validus Services' receipt of the Subscriber's Counter Notification unless:
 - (a) the Designated Agent receives a notice from the Complaining Party that the Complaining Party has filed a court action (hereinafter "Notice of Court Action") seeking an order to restrain the Subscriber from engaging in infringing activity relating to the material on Validus Services' system or network.

If the Designated Agent receives such a Notice of Court Action from the Complaining Party within ten (10) business days from the date of receipt of the Subscriber's Counter Notification, Validus Services will:

- (1) Promptly provide the Subscriber with a copy of the Notice of Court Action received from the Complaining Party;
- (2) Notify the Subscriber that Validus Services WILL NOT be replacing the material or cease disabling access to the material unless and until it receives a court order authorizing it to do so, or authorization from the Complaining Party.

If Validus Services does not receive a Notice of Court Action from the Complaining Party within ten (10) business days from the date of receipt of the Subscriber's Counter Notification, Validus Services will:

- (1) Replace the material or cease disabling access to the material after the tenth (10th) day but no later than the fourteen (14) days from the date of receipt of the Subscriber's Counter Notification.

VI. Other Grounds for Removal of Material or Disabling Access to Material

Where Validus Services has actual knowledge that material or an activity using material on Validus Services' system or network is infringing, or if Validus Services becomes aware of facts or circumstances from which infringing activity is apparent, Validus Services will:

- (2) Promptly remove or disable access to the material.
- (3) Promptly attempt to contact the Subscriber to inform the Subscriber which material has been removed or to which access has been disabled. Reasonable efforts will be used to identify the material that is claimed to be infringing or to be the subject of infringing activity.

VII. Termination of Repeat Infringers

It is Validus Services' policy that upon receipt of a second notice of alleged infringement by a Subscriber, the Subscriber's services are to be permanently terminated.

It is Validus Services' policy to accommodate and not interfere with technical measures used by copyright owners to identify or protect copyrighted works where such technical measures have been developed pursuant to a broad consensus of copyright owners and service providers in an open, fair, voluntary and multi-industry standards process, and where such technical measures are available to any person on reasonable and non-discriminatory terms, and where such technical measures do not impose substantial costs on Validus Services or impose substantial burdens on Validus Services' systems or networks.

VIII. Subpoenas to Identify Infringers

A copyright owner or a person authorized to act on the copyright owner's behalf may request the clerk of any United States district court to issue a subpoena to Validus Services for identification of an alleged infringer pursuant to the provisions of Section 512(h) of the DMCA.

Upon receipt of such a subpoena, either accompanying or subsequent to receipt of a Notice, Validus Services will expeditiously disclose to the Complaining Party the information required by the subpoena notwithstanding any other provision of law and regardless of whether Validus Services responds to the Notice. Unless otherwise provided by the DMCA or by applicable rules of the court, the procedure for issuance and delivery of the subpoena and the remedies for noncompliance with the subpoena will be governed to the greatest extent practicable by those provisions of the Federal Rules of Civil Procedure governing the issuance, service, and enforcement of a subpoena duces tecum.

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