

INTELLECTUAL PROPERTY & COMPLIANCE

Copyright & Notice-and-Notice Policy

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0.0 Statutory Mandate & Purpose

Sheernox Technology Group ("Sheernox", "we", "us", or "our"), an unincorporated sole proprietorship registered in the Province of British Columbia, Canada, operates digital infrastructure including web hosting, virtual private servers (VPS), cloud platforms, domain name systems, and managed network services.

Sheernox respects the legitimate intellectual property rights of copyright holders worldwide while rigorously upholding the statutory due process, digital privacy rights, and legislative balance enacted under Canadian law. This Copyright & Notice-and-Notice Policy sets forth our compliance procedures under the Canadian *Copyright Act* (R.S.C. 1985, c. C-42, as amended), delineating the rights and obligations of copyright owners, Sheernox subscribers, and our designated compliance operations.

CORE SUMMARY

Sheernox complies fully with the Canadian Copyright Act Notice-and-Notice regime. We forward formal infringement notices to subscribers without fee, retain identity records for 6 to 12 months as mandated by law, and never release subscriber identities without a Canadian court order.

1.0 The Canadian Notice-and-Notice Regime

Under Sections 31.1, 41.25, and 41.26 of the Canadian *Copyright Act*, Canada maintains a statutory **Notice-and-Notice** regime governing internet intermediaries and hosting service providers.

Unlike the United States "Notice-and-Takedown" model under 17 U.S.C. § 512, Canadian law does **not** require or authorize a network intermediary to unilaterally censor, takedown, or disable access to subscriber content upon receipt of an adjudicated infringement notice from a third party.

Instead, the statutory obligation of Sheernox as an intermediary is two-fold:

- **1.1 Notice Forwarding:** Forward the statutory notice of alleged infringement to the subscriber associated with the identified IP address or hosting account without delay and without charging any administrative fee (s. 41.26(1)(a)).
- **1.2 Log Preservation:** Preserve records enabling the identification of the subscriber for a statutory period of six (6) months, or twelve (12) months if formal court proceedings are initiated (s. 41.26(1)(b)).

Statutory Intermediary Exemption • Section 31.1

Section 31.1(1) of the Canadian Copyright Act provides an express statutory exemption from copyright infringement liability for providers who act solely as intermediaries providing digital infrastructure, routing, or hosting services.

2.0 Statutory Requirements for a Valid Notice

To be processed and forwarded under the Canadian *Copyright Act*, a notice of claimed infringement submitted to Sheernox must strictly satisfy all statutory criteria set out in Section 41.25(2):

- **2.1 Claimant Identification:** Full legal name, physical address, telephone number, and email address of the copyright owner, or an authorized agent acting on their behalf.
- **2.2 Capacity & Authority:** A clear statement indicating whether the claimant is the copyright owner, or an authorized agent accompanied by proof of agency.

- **2.3 Work Description:** Accurate identification of the specific copyrighted work or works claimed to have been infringed (e.g., specific software, audio, video, literary work).
- **2.4 Location Data & Timestamps:** The exact location data to which the claimed infringement relates, including the uniform resource locator (URL), fully qualified domain name (FQDN), or destination IP address, accompanied by the precise date, time, and timezone (UTC or PST) of the alleged activity.
- **2.5 Infringing Action:** Specification of the precise alleged infringing conduct (e.g., unauthorized hosting, peer-to-peer distribution, public performance).

Prohibited Notice Content • Section 41.25(3) Compliance Pursuant to Section 41.25(3) of the Copyright Act and the Copyright Regulations, notices containing offers to settle, demands for monetary payment, requests for personal information, or hyperlinks to settlement platforms are non-compliant under Canadian law. Sheernox is legally prohibited from forwarding non-compliant notices.

3.0 Mandatory Electronic Forwarding Procedure

Upon receipt of a notice satisfying all legal requirements, Sheernox processes and forwards the notice in accordance with the following operational protocol:

- **3.1 Technical Verification:** Our abuse department validates that the target IP address or hostname was assigned to a Sheernox customer at the exact timestamp specified in the notice.
- **3.2 Direct Forwarding:** We transmit an exact, unedited copy of the notice to the primary email address registered on the subscriber's account within **forty-eight (48) hours** of validation.
- **3.3 Claimant Confirmation:** Sheernox issues an automated confirmation to the claimant confirming that the notice was successfully forwarded, or explaining why forwarding was technically impossible (e.g., IP address not in our pool, unassigned at timestamp).
- **3.4 Confidentiality Preservation:** At no point during this procedure does Sheernox disclose the name, physical address, email, telephone number, or any other personally identifying information (PII) of the subscriber to the claimant.

PRIVACY ASSURANCE

Forwarding an infringement notice does not constitute an admission of wrongdoing. Your personal identity remains strictly protected by Canadian privacy laws (PIPEDA / BC PIPA) and will never be shared with the claimant during notice forwarding.

4.0 Statutory Log Retention Requirements

Pursuant to Section 41.26(1)(b) of the *Copyright Act*, Sheernox is subject to strict statutory log preservation obligations:

- **4.1 Standard 6-Month Retention:** We preserve network assignment logs and server connection records enabling the identification of the subscriber associated with the notice for **six (6) months** from the date on which the notice of claimed infringement was received.
- **4.2 Extended 12-Month Retention:** If the copyright claimant commences formal court proceedings claiming infringement and serves written notice of the legal action on Sheernox before the expiration of the initial 6-month period, Sheernox will extend the retention of those records to **one (1) year (12 months)** from the date the initial notice was received.
- **4.3 Disclosure Exclusively by Court Order:** Subscriber identity records retained under this section will only be released to a copyright claimant upon receipt of a binding, valid court order issued by a Canadian court of competent jurisdiction (such as a *Norwich Pharmacal* order).

Canadian Norwich Pharmacal Precedent

Under Canadian common law (e.g., *Voltage Pictures v. John Doe*), courts balance copyright enforcement with consumer privacy. Intermediaries may only disclose identity records where a claimant satisfies strict judicial criteria and covers reasonable compliance costs.

5.0 Treatment of United States DMCA Notices

Sheernox is a Canadian entity operating under the sovereign laws of British Columbia and Canada. The United States *Digital Millennium Copyright Act* (DMCA, 17 U.S.C. § 512) has no extraterritorial legal effect within Canada.

Notwithstanding the territorial limitation of US law, Sheernox respects valid intellectual property claims and handles US DMCA communications as follows:

- **5.1 Notice Conversion:** If a DMCA notification contains the essential elements required under Section 41.25(2) of the Canadian *Copyright Act*, Sheernox treats it as a Canadian statutory notice and forwards it to the subscriber accordingly.
- **5.2 Voluntary Takedown Discretion:** Where a notice reveals blatant, egregious, or malicious mass copyright infringement (such as publicly exposed torrent trackers, unauthorized commercial stream scraping, or cyberlocker distribution), Sheernox reserves the right under Section 7 of our **Acceptable Use Policy (AUP)** to demand immediate remediation or suspend the infringing service independently of statutory notice procedures.

6.0 Subscriber Rights & Response Options

If you are a Sheernox subscriber and receive a forwarded copyright infringement notice from our abuse department, please note the following crucial facts:

- **6.1 Not a Fine or Conviction:** A notice is merely an allegation by a third party. It does not mean you have been sued, found liable, or ordered to pay any sum of money by a court.
- **6.2 No Payment Obligation:** Under Canadian law, copyright notices cannot demand settlement fees. You are not legally required to pay any settlement fee requested in any communication.
- **6.3 Voluntary Response:** You are not legally compelled to reply to Sheernox regarding the notice. However, if you believe the notice was delivered in error or concerns authorized/licensed content, you may submit an explanatory statement to our abuse department for our records.
- **6.4 Legal Counsel:** If you are concerned about potential litigation, you should consult an independent Canadian legal practitioner specializing in intellectual property law.

7.0 Repeat Infringer Termination Policy

In accordance with industry best practices and our Acceptable Use Policy, Sheernox maintains a strict policy regarding subscribers who repeatedly or willfully violate third-party intellectual property rights:

Escalation Stage	Incident Threshold	Sheernox Operational Action
Stage 1: Informational Notice	1st to 2nd validated notice	Notice forwarded via email; subscriber alerted to verify shared network security, open wireless access points, or software licenses.
Stage 2: Compliance Review	3rd validated notice within 90 days	Account flagged for abuse review. Ticket issued requiring subscriber confirmation of copyright compliance within 48 hours.
Stage 3: Service Suspension	Persistent unaddressed notices	Temporary network isolation or hosting suspension pending formal resolution.
Stage 4: Account Termination	Willful mass infringement or court order	Permanent termination of all services without refund; permanent ban from Sheernox infrastructure pursuant to AUP Section 7.

8.0 Designated Copyright Compliance Agent

All formal notices of claimed infringement under the Canadian *Copyright Act*, as well as related legal inquiries, must be directed to the Sheernox Designated Copyright Compliance Agent:

Designated Agent Coordinates**Entity:** Sheernox Technology Group**Attention:** Copyright & Abuse Compliance Officer**Official Physical Address:** 1-1885 Grasslands Blvd, Kamloops, BC, V2B 0B8, Canada**Designated Electronic Mailbox:** abuse@sheernox.com**General Support & Billing Inquiries:** support@sheernox.com**Client Portal:** <https://my.sheernox.com>

Notices sent by regular mail must allow adequate transit time. For expedited statutory processing, electronic submission to abuse@sheernox.com is strongly recommended.