

CTC Communications Corp.
d/b/a EarthLink Business
PSC No. 3 - Telephone
Effective Date: September 10, 2012

Leaf 40
Revision: 0
Superseding Revision:

ACCESS SERVICES TARIFF

SECTION 2 - GENERAL REGULATIONS (CONT'D.)

2.4 Responsibility of the Company(Cont'd)

2.4.2 Liability of the Company (Cont'd.)

- H. The Company shall be indemnified, defended and held harmless by the Customer against any claim, loss or damage arising from Customer's use of services, involving claims for libel, slander, invasion of privacy, or infringement of copyright or unauthorized use of trademark, trade name, or service mark arising out of material, data, information or other content transmitted over the Company's Facilities.
- I. The Customer shall indemnify, defend, hold harmless the Company against claims of patent infringement arising from combining or connecting the Company's facilities or equipment with facilities equipment, apparatus or systems of a Customer.
- J. The Customer shall indemnify, defend, hold harmless the Company against all other claims (including without limitation, claims for damage to any other business or property or injury to or death of any person) arising out of any act or omission of the Customer, the Customer's agents or Authorized Users in connection with any service or facilities or equipment provided by the Company.
- K. THE COMPANY MAKES NO WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED EITHER IN FACT OR BY OPERATION OF LAW, STATUTORY OR OTHERWISE, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE, EXCEPT THOSE EXPRESSLY SET FORTH HEREIN.