Copyright Infringement
(DMCA)

<u>Why it is important to understand the DMCA</u>:

Kent State University (KSU) is receiving more and more copyright infringement notices every semester, risking the loss of 'safe harbor' status.

Resident students, KSU faculty, staff, and student employees, and the University itself could be at risk of costly litigation, expensive fines, damage to reputation, and possible jail time.

<u>What you need to know about KSU's role:</u>

- KSU is not a policing organization.
- KSU does not actively monitor computing behavior.
- KSU reacts to infringement notices generated by agents of the copyright holders
- KSU expends a significant amount of time/money protecting the identity of students by maintaining 'safe harbor' status

  <u>KSU is 'the good guy' – we're focused on educating our community</u>

<u>What you need to know if your student receives a copyright infringement notice:</u>

They were identified as using P2P software and illegally sharing copyrighted material (whether downloading to their computer or allowing others to download from their computer).

They will be informed of the notice via email, and their network connection to external resources (sites outside of KSU) will be disabled to maintain 'safe harbor' status until such time as they have complied with the University's requirements under the DMCA.

They can face sanctions ranging from blocked connectivity to dismissal from the University.

<u>Definition of terms:</u>

DMCA: The Digital Millennium Copyright Act of 1998 was signed into law in the United States to protect the intellectual property rights of copyright holders of electronic media (music, movies, software, games, etc.). The DMCA allows KSU to operate as an OSP.

Safe Harbor: Safe harbor protects OSPs (KSU) from liability for information posted or transmitted by subscribers (our resident students) if they quickly remove or disable access to material identified in a copyright holder's complaint.

OSP/ISP: Online Service Provider/Internet Service Provider.

P2P Software: Peer-to-peer filesharing software. Software that allows multiple computers to connect through a network or the Internet for the express purpose of trading files back and forth.

Spyware: Unwelcome software, secretly installed with P2P software, which can cause many computer issues, ranging from slowness to making your files visible to others through the Internet.

The University's requirements under the DMCA:

- Notify the copyright infringer of the infringement.
- Remove the infringing material and block them from continuing infringement activity.
- Provide education on Copyright Infringement.

Examples of P2P software used to illegally share copyrighted material:

eDonkey/Overnet, Shareaza, WinMX, BitTorrent, Limewire, Morpheus, eMule, Ares, BearShare, and Kazaa

Note: There are too many to name them all. Additionally, there are versions that can be purchased, which profess to offer free downloads.

Please understand that free does not mean legal.

You are purchasing an enhanced version of the software, not the right to download copyrighted material.

Examples of legitimate download services:

There are Internet-based services that are legitimate providers of copyrighted material. They have contracted with the copyright holders to allow them to provide the material at a discounted or per piece price (many services are based on monthly subscriptions). It is the responsibility of the user to identify the legitimacy of a service. As a guideline, here are a few legitimate services:
iTunes, Rhapsody, MusicMatch, Napster, Ruckus, Cdigix.

Where to go for additional information:
Kent State University's Office of Security and Access Management
http://security.kent.edu
security@kent.edu
330-672-5566

Additional terminology and links:
RIAA: Record Industry Association of America http://www.riaa.com
MPAA: Motion Picture Association of America http://www.mpaa.org
BSA: Business Software Alliance http://www.bsa.org
ESA: Entertainment Software Association http://www.theesa.com

Useful links:
DMCA Full Text: *http://www.copyright.gov/legislation/dmca.pdf*
DMCA Definition and History: *http://en.wikipedia.org/wiki/DMCA*
ResNet Spyware Information Page: *http://www.res.kent.edu/newres/tabid/301/default.aspx*
ResNet Acceptable Use Policy: *http://www.res.kent.edu/newres/tabid/298/default.aspx*
RIAA Copyright Education Page: *http://www.musicunited.org*
RIAA and NASPA (National Association of Student Personnel Administrators) Education Page and Informational Video: *http://www.campusdownloading.com*
University of Richmond School of Law's Intellectual Property Institute's Information Video:
http://law.richmond.edu/ipi/whatdoyouthink.htm