

File Sharing at Louisiana Tech

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Louisiana Tech University strives to protect the privacy of students, faculty and staff. However, downloading and sharing copyrighted material online without permission is unethical and illegal. The University takes all DMCA complaints seriously and is committed to complying with the Digital Millennium Copyright Act and with the regulations included in the 2008 Higher Education Opportunity Act.

What is the Digital Millennium Copyright Act (DMCA)?

The Digital Millennium Copyright Act (DMCA) is legislation enacted by the United States Congress in October 1998 that made major changes to the US Copyright Act.

For DCMA purposes Tech is an Online Service Provider and responsible for complying with the DCMA. Title II outlines certain legal duties in order to limit liability in the event a user of its service violates copyright laws, including:

- registering an official agent with the US Copyright Office, to be notified by a copyright holder in the event of an alleged copyright infringement by anyone using Tech's network.
- providing users with reasonable access to information about the OSP's policies and standard procedures for dealing with copyright infringement notifications.
- informing users when their accounts and services will be terminated due to repeated violation of copyright or other intellectual property laws.

The copyright owner can choose to either send complaints through the OSP for action, or serve legal notice to the infringer directly. Pleading a lack of knowledge about copyright infringement laws will not excuse the user from legal consequences. It is the user's responsibility to be aware of these legal consequences.

Actions You Can Take To Avoid Copyright Infringement

1. Simply do not use a P2P program or allow one on your computer.
2. Do not share your Tech account password with anyone. Ever. Change it at Tech's Help Desk website.
3. Do not let others use your computer without knowing what they are doing. Your dorm port is registered to you.
4. If you use a wireless switch, restrict its access! Otherwise, others nearby can use it and their activities are associated with your device and YOU. The device's user guide should contain instructions for implementing security, such as turning on encryption or filtering MAC addresses.
5. P2P programs usually insert themselves into the Start Up list and begin silently when you power up your computer. Inspect your computer's installed programs and remove P2P programs- someone else may have installed one without your knowledge.
6. If you have a Peer-to-Peer file sharing program such as Bearshare, BitTorrent, EdonKey, KaZaA, LimeWire, Morpheus, etc. you may be at risk.
7. If you must use one for legitimate purposes, do not let it start automatically, and explicitly limit folder access.
8. If the program is set to share files, ensure that you have explicit permission from the copyright holders for sharing all of the files accessible to this application.
9. Confirm that the distributor of a file you are interested in downloading has permission from the copyright holder to distribute it.
10. For your own protection, you should assume that you do not have permission to download or distribute a file unless you have proof to the contrary. Check the Web sites of the musicians, record company, or movie studio involved to see if they allow distribution of their materials in this manner. When you purchase music, movies, games, etc., read the license carefully to learn if you

have permission to convert the material to other formats for your own use, and whether or not you can share the material with others.

11. Scan your computer with a spyware removal tool. When you install file sharing applications, many times you inadvertently get spyware and/or adware, which can cause access problems to many services.

What Happens If You Receive A Copyright Infringement Notice?

Downloading or distributing whole copies of copyrighted material for personal use or entertainment without explicit permission from the copyright owner is against the law.

Copyright applies to materials such as music, movies, games, and other software in digital and analog format. File sharing applications are themselves legal, but many people use P2P applications illegally to share materials without permission to distribute.

When you download a copy of one of these illegally distributed files to your own computer, even if you download only one song, you are committing an illegal action. In addition, purchasing a music CD generally does not give you the right to distribute or share the songs on it.

While Tech does not actively search for instances of copyright violation, normal investigations into service and network problems can expose violations. In such cases, the University is obligated to investigate, just as it is for complaints of illegal activities or inappropriate use taking place on the Tech network.

Copyright owners actively search for copyright infringements of their works using procedures outlined in the DMCA and send notices to internet service providers.

When Tech receives a complaint regarding an illegal download of copyrighted material, the offending student is referred to Student Affairs to meet with Mr. Adam Collins (Conduct and Academic Integrity) to have computing privileges reinstated, followed by these protocols:

Offense	Consequence	Full Access Restored After Reinstatement
First	Computing access restricted to on-campus sites and Moodle for a 3-day grace period. All computing access suspended if not cleared by Student Conduct Office by Day 4	plus 2 days
Second	All computing access suspended	plus 7 days
Third	All computing access suspended; Possible referral to Behavioral Standards Committee	plus 14 days

Employees receiving a DMCA notice are referred to their supervisor and Vice President of Academic Affairs.

Copyright owners may also take direct legal action against alleged infringers. The No Electronic Theft (NET) Act provides for serious criminal penalties, including a fine of up to \$250,000 and potential jail sentence. Lack of knowledge about copyright infringement laws will not excuse you from legal consequences, or from action by the University. It is your responsibility to be aware of the legality of your actions

Historically, the RIAA randomly selects 15 to 20 violations at a university and sends settlement offers prior to suing, ranging from \$3,500 to \$15,000. Tech has responded to several subpoenas for violator identifying information. For the past several years they have instead pushed enforcement through HEOA regulations.

A comprehensive list of alternatives to illegal downloading: www.educause.edu/legalcontent

Related Organizations

Electronic Frontier Foundation (EFF) www.eff.org

Motion Picture Association of America (MPAA) www.mpaa.org

Recording Industry Association of America (RIAA) www.riaa.com

Respectcopyrights.org www.respectcopyrights.org

Slyck Forums www.slyck.com/forums/index.php

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