Statement on Recording Industry Association of American and Copyright Infringement Notification

Technology Guideline

November 2007
Steven Moon, DMCA Agent

In February of 2007 the Recording Industry Association of America (RIAA) introduced a new strategy for dealing with copyright infringement that may impact individuals at UNI The new RIAA strategy includes providing a ?settlement letter? to universities/Internet Service Provider (ISP) that is to be forwarded to alleged violators and a ?preservation notice? that is addressed to the university/ISP. The ?settlement? letter offers the opportunity for alleged violators to settle out of court. The ?preservation letter? is notice to the university/ISP to preserve specific records that could be useful in a court case.

Since launching its deterrence program in February 2007, the RIAA has sent over 3,000 pre-litigation settlement letters to universities nationwide. The letters are in addition to the lawsuits that the RIAA continues to file on a rolling basis against those engaging in music theft via commercial Internet accounts.

Individuals who receive their Internet access from a provider other than UNI(e.g Mediacom, CFU, Qwest, etc.), may want to ask their ISP how they will be handling ?settlement? and ?preservation? letters. In the event that UNI receives one these letters we will proceed as follows:

"Preservation Notices"
Should UNI receive a "preservation letter," which requests the holding of basic contact information for the individual but does not meet all the elements of a DMCA notice, we will preserve the requested information consistent with University practice. UNI will only provide contact information under court order.

"Settlement Letters"
Should UNI receive an RIAA "settlement letter" it will treat the letter as a DMCA notice so long as it meets all the legal elements. Network Services will forward the "settlement letter" along with the UNI procedures for addressing alleged DMCA violations. UNI does NOT release the name of a user to the content owner or RIAA upon receipt of a DMCA notice. UNI will only provide this information under court order.

If a user receives one of these "settlement letters" he or she has complete responsibility to decide how to respond to the RIAA and may want to consult with his or her legal counsel before making a decision.

Downloading of music, movies, games, software, etc. that is copyright protected may very likely be theft. Sharing of this information without the authorization of the owner is a copyright violation. Running of peer-to-peer software such as Gnutella, Ares, Blubster, Edonkey, Limewire and Bit-Torrent may be putting you at serious risk of inadvertently sharing copyright protected materials. Individuals who do infringe copyright should reconsider that activity in light of the pervasive monitoring of file sharing that content owners do on the Internet.

UNI does not routinely monitor for sharing of copyright protected material such as music, movies, television programs, games, software and books. These complaints are coming from the owners of the copyright protected material. UNI has a

legal responsibility to respond according to campus policy and the Digital Millennium Copyright Act (DMCA). UNI respects the rights of ownership for all intellectual or entertainment property protected by copyright and explicitly prohibits the illegal sharing of copyright protected material.

If you have questions concerning peer-to-peer sharing programs, contact the UNI Computer Consulting Center (273-5555). Below are links you may find useful in understanding copyright protected materials at UNI and under federal law.

UNI?s Policy on Use of Computing Resources
http://www.uni.edu/pres/policies/954.shtml [1]

UNI?s Policies on intellectual rights and copyright
http://www.uni.edu/pres/policies/952.shtml [2]

Digital Millennium Copyright Act resources
http://www.educause.edu/issues/dmca.html [3]

If you have questions about this communications please feel free to contact me directly.

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Links:
[1] http://www.uni.edu/pres/policies/954.shtml
[2] http://www.uni.edu/pres/policies/952.shtml
[3] http://www.educause.edu/issues/dmca.html
[4] mailto:Steve.moon@uni.edu