



# INDIANA UNIVERSITY BLOOMINGTON

## Plan to Effectively Combat Unlawful Distribution of Copyrighted Material over the IU Network

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### I. ANNUAL DISCLOSURE

IU has been providing an annual disclosure to students for several years now through a registration process that students must undertake each academic year, to register their computers to our network. Starting this year, an annual notice is also emailed to all students. Here is the text we have been using:

"WARNING: Unauthorized distribution of copyrighted material using Indiana University's information technology resources -- including sharing copyrighted music, movies, and software through peer-to-peer applications like LimeWire, BitTorrent, etc. using Internet access provided by IU -- is against the law and university policy. Unlawful file sharing may subject you to legal penalties, which can include any or all of the following:

- Having to pay money to the copyright holder in a lawsuit -- between \$750 and \$30,000 for each file, and up to \$150,000 for each file if the infringement was willful.
- Having to pay the copyright holder's costs and attorney fees to bring the lawsuit.
- Criminal fines of up to \$250,000, and up to 10 years' jail time -- even if someone sharing files doesn't sell or charge for them.
- Seizure and destruction of infringing files.

Additionally the university may impose sanctions, including loss of network access and disciplinary action. See [filessharing.iu.edu](http://filessharing.iu.edu) for further information about these sanctions or to learn how to avoid copyright infringement claims from music, movie, and software copyright holders.

### II. USE OF TECHNOLOGY-BASED DETERRENTS

IU limits its use of technologies that would impact network performance or impede mission activities. The following deterrents are currently being employed:

Automatically processing DMCA notices, including disconnection from the network

Requiring the passing of a copyright tutorial and quiz to restore network service after being implicated in a DMCA notice

Leveraging a software inventory service (Secunia CSI) on student housing Windows machines to send notifications when peer-to-peer software is detected

Providing extensive “Are You Legal?” educational campaigns

Enforcing policies on appropriate use of the network

Referring students for disciplinary action through Student Ethics

### **III. EDUCATIONAL COMPONENT**

We believe that IU’s role is to educate students to become good citizens, and that educating about common copyright issues including P2P issues, is an important piece of that education. We maintain a web site for students at [protect.iu.edu/copyright](http://protect.iu.edu/copyright)

Our educational efforts are documented at:

<http://protect.iu.edu/cybersecurity/safeonline/filessharing/education>. A sampling of education activities is included here:

#### **Creating IU computing accounts**

All users, including students, faculty, staff, and affiliate users, at Indiana University read and agree to a use agreement which includes the warning described in section I, as part of the process of creating their first computing accounts.

#### **Connecting computers to the IU network**

Any user wishing to connect their personal computer to the IU network on any campus must read and agree to a use agreement which includes the warning described in section I, as part of the process of registering their computer to the network

#### **Video at new student orientation**

A video about IT at IU is shown to new students during the orientation process, in which legal and safe music and movie downloading is addressed.

#### **Moving into campus housing**

Materials are distributed to students that include information related to legal downloading and file sharing.

#### **Bulletin board kits**

Resident assistants are provided materials to display in public areas of on-campus residence halls.

### **Posters**

Posters are located in Student Technology Centers (computer labs) and residence halls across multiple campuses. These posters are also available as a free download.

### **Newspapers**

Advertisements have been placed in local and student-run newspapers on multiple campuses.

### **Email to all IU students**

An email was sent in 2009 to all IU students on every campus outlining the dangers of illegal file sharing, the seriousness of copyright infringement lawsuits, and what students can do to educate and protect themselves. Starting in 2010, an annual notice (including the warning described in section I) is being sent.

### **Tutorials and education**

Online tutorials, education, and progressive discipline process are employed for those users implicated in copyright infringement violations.

## **IV. PROCEDURES FOR HANDLING COPYRIGHT INFRINGEMENT NOTICES**

IU employs vigorous procedures for responding to DMCA notices, as outlined at <http://protect.iu.edu/cybersecurity/safeonline/filessharing/procedure> and summarized here:

### **A. If this is your first copyright violation notice:**

- You are sent a "First Offense" email, including a copy of the complaint from the copyright holder, and given 36 hours to complete the tutorial and quiz.
- If you are a student, a \$50 cost-recovery fine is applied to your Bursar account.

If you take the quiz within 36 hours and pass:

- The incident is closed.

If you do not take the quiz or do not pass within 36 hours:

- You lose the ability to attach your personal computer to the university network. Access to the IU network, once blocked, cannot be re-enabled until you pass the quiz. The quiz may be attempted multiple times in order to re-enable access to the network.

- You are given two weeks to take the tutorial and pass the quiz. If you have not passed the quiz at the end of two weeks the incident is referred to the appropriate disciplinary office. For students, this is the Office of the Dean of Students.

**B. If this is your second copyright violation notice:**

- You are sent a "Second Offense" email, including a copy of the complaint from the copyright holder, and required to complete the tutorial and quiz.
- If you are a student, a \$50 cost-recovery fine is applied to your Bursar account.
- Your computer is immediately blocked from accessing the IU network, and it will remain blocked for two weeks.
- You will be unable to register additional computers or devices on the IU network for two weeks.
- You lose access to the IU VPN, dial-up, and wireless networks for two weeks.
- You are referred to the appropriate disciplinary office. For students, this is the Office of the Dean of Students.
- The blocks remain in place for a minimum of two weeks and until you have completed the copyright tutorial and passed the quiz.

**C. If you receive a third copyright violation notice:**

- You are sent a "Third Offense" email, including a copy of the complaint from the copyright holder.
- If you are a student, a \$50 cost-recovery fine is applied to your Bursar account.
- Your personal computer is immediately blocked from accessing the IU network, and it will remain blocked indefinitely.
- You are no longer allowed to register any computer or device on the IU network.
- You will lose access to the IU VPN, dial-up, and wireless networks indefinitely.
- You are referred to the appropriate disciplinary office. For students, this is the Office of the Dean of Students.

**V. PERIODIC REVIEW**

The Indiana University Information Policy Office conducts a review of the copyright violation process and its effectiveness each summer. Included in the review are representatives from the Office of the Vice President and General Counsel, and the Office of Student Ethics. As a result of this review each summer, adjustments are made to technology-based deterrents including notice processing and educational efforts.

**A. For Effectiveness**

In the decade since the Digital Millennium Copyright Act (DMCA) was passed in 1998, the number of students implicated in a first offense DMCA notice in any given academic year has been at its highest only 1.16% of the total student population.

The highest rate of recidivism (repeated copyright offense by same student) in any academic year has been only 1.2%.

Since students typically receive no education about these issues prior to their arriving on campus, we believe this shows that our use of technology-based deterrents is very effective.

#### **B. For Legal Alternatives Available**

IU promotes the use of legal alternatives and maintains a page of resources here so that students may pursue such alternatives:

<http://protect.iu.edu/cybersecurity/safeonline/filessharing/alternatives>. The list of resources is periodically reviewed and updated. Currently, we are not aware of a commercial subscription service that would meet our students' needs, or other practicable means for offering legal alternatives through the university.