



IT PRACTICE PROCEDURE

Copyright Infringement Notification Response

Process for notification and remediation of systems involved in a copyright infringement notice.

Effective as of: **7/1/2010**

Sponsor and Approvers:

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Status of Guideline: **Published**

Audience:

This IT Procedure should be observed by:

OIT Technology Practitioners

All Technology Practitioners

Contractors/suppliers

Other (specify) All Faculty, Staff & Students

Statement of need and purpose:

The Higher Education Opportunity Act (HEOA) deals with, in large part, the means of effectively combating the unauthorized file sharing of copyrighted materials on campus networks, specifying general requirements for all U.S. colleges and universities to include in their written plans:

- An annual disclosure to students describing copyright law and related campus policies when violating copyright law;
- A plan to “effectively combat” copyright abuse on the campus network using “one or more technology-based deterrents;”
- A list of “alternatives to illegal downloading.”

This procedure details the notification and, if required, remediation steps needed to combat repeated copyright abuse, once a notification has been received.

Procedure:

Upon receiving a notice of alleged copyright (DMCA) infringement:

1. A Service Desk Ticket is created to track this incident and the employee/student will be notified of the infraction, the infringed work and next actions.
2. Access to the University's network is suspended. If the incident references network activity that is tracked to a student account, The Office of Student Conduct is notified.
3. If this is the first infraction, an email reply is required to certify the cessation of file sharing and provide a description of what was done to prevent such an infraction in the future. Upon receipt of the reply notification, network access is restored.
4. If this is not a first infraction, the computer owner is required to bring the computer to the OIT Service Desk (125 Gordon Palmer Hall). The Service Desk must certify that the file sharing application and the infringed work have been removed before network access is restored. There is a charge of \$70 for the scanning and removal of viruses, file sharing programs, and infringed materials.
5. The Office of Student Conduct may contact the student regarding this infringement as a Code of Student Conduct violation.
6. After the computer has ceased the sharing of copyrighted works, we can restore network access.

Compliance:

There are three types of Copyright Infringement notices that we receive:

1. The response to DMCA Copyright Infringement notices is detailed above.
2. Because of the way some Copyright holders reference the owner record of an IP Address range, we receive DMCA notices that reference computers in the 146.225.x.x network. This network belongs to The University of Alabama at Huntsville. When we receive DMCA complaints referencing an IP Address in this range, we forward them to UAH's Copyright Agent – Jerry Brown (brownjh@uah.edu).
3. The third type of Copyright infringement notice we receive is a take-down notice. These notices are sent by attorneys representing a copyright holder, typically an author or publisher, that claims we, The University, have posted a copyrighted work, typically an article or paper is accessible on a UA web site, without permission.
 - a. Upon receipt of a take-down notice, we verify the claim presented in the notice.
 - b. We determine a point-of-contact for the department or server administrator managing the web site.
 - c. We forward the take-down notice to the point-of-contact.