



University of Alaska Fairbanks Guidelines for Responding to Copyright Complaints

Background

The University has a profound respect for copyright and intellectual property. This respect is reflected in the Board of Regents policy and regulation (R02.07). In addition, the university has specific legal obligations under the Digital Millennium Copyright Act (DMCA) to protect copyright holders and to respond quickly to complaints of copyright violation. This obligation to protect copyright must be implemented with due regard for privacy rights of technology users that have been created by Regents Policy.

Role and Responsibility

OIT's role is to protect against liability arising out of use of IT resources, and to prevent disruption or damage to the university's information resources. OIT may temporarily suspend access, provided the access is restored as soon as the threat of disruption, damage or liability is resolved. Such suspensions do not require assignment of responsibility and are not punitive. Only the Director of Residence Life, the Vice-Chancellor for Student & Enrollment Services or the relevant supervisor of the User may limit access or services as a punitive measure. Within OIT, the IT Security group has responsibility for investigating and responding to security and copyright complaints.

Process

1. Discovery

A case is opened when IT Security receives a complaint alleging a violation, or when OIT staff, in the course of doing their job, discover evidence of a possible violation.

Clarification of Intent:

The process of discovery is intentionally reactive. OIT does not monitor content of network traffic or routinely scan computers. OIT will investigate when it obtains sufficient, specific information indicating: 1) a possible copyright violation involving the University's network, and 2) the

3. Remediation

a. Communication

A standard letter is created and sent electronically and in writing. In the case of a Student Housing resident, the written letter is sent to the Director of Residence Life. The letter communicates

1. notice that a copyright issue has arisen regarding the network address associated with the computer or the individual;
2. a reminder of University policy (and current law) related to copyright;
3. an offer of technical assistance, if desired;
4. an expectation that any protected material will be immediately removed;
5. notice of OIT right to inspect the machine at any time; and
6. the requirement that a written response be received by OIT within 24 hours.

b. If the user:

1. does not respond, then *conclusion 2*
2. responds having addressed the complaint, then *conclusion 3 (and/or 5, if applicable because of prior history)*;
3. is uncooperative or wishes to escalate the issue, then *conclusion 4 or 5 as applicable*.

c. In all cases, OIT has the right to inspect equipment to ensure that the issue is resolved. As a general rule, this right is only exercised in special cases (*e.g.* multiple complaints for the same address).

Conclusions to Copyright Complaints

Conclusion 1:

There has been a failure in campus network security (an unauthorized device has gained access to the network) or OIT systems or procedures (our documentation is unable to prevent this).

Action: Access to the network is blocked, the Helpdesk is notified and the *case is closed*.

Conclusion 2:

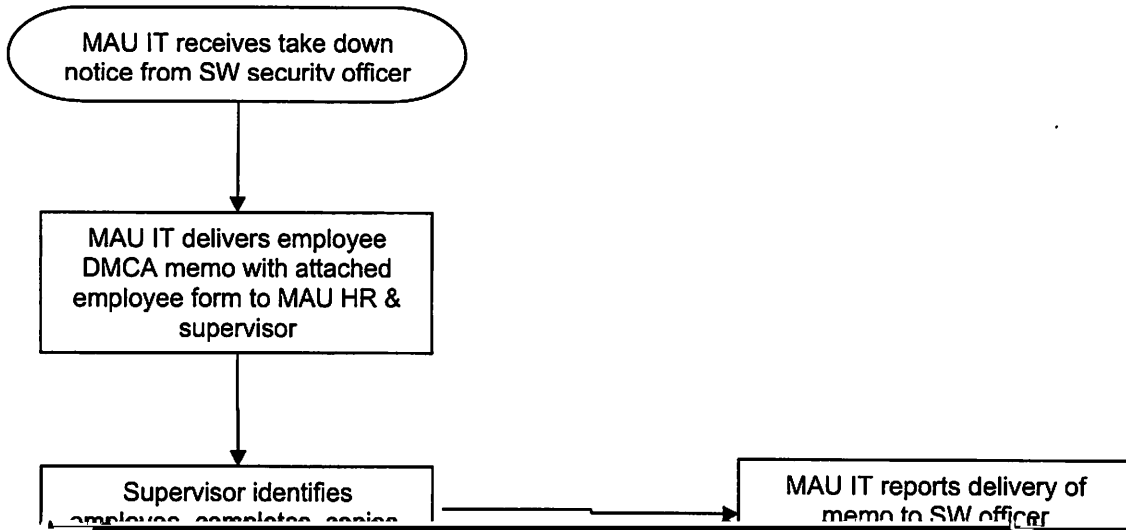
The copyright violation is ongoing and the person most directly impacted (the user) is unresponsive.

Action: Access to the network is temporarily blocked, the Helpdesk is notified and the case is closed.



OFFICE OF
Information Technology

DMCA "Take Down" Process for Employee Operated equipment





OFFICE OF
Information Technology



UNIVERSITY
of ALASKA
Mam Totemni Oor Aloka



910 Yukon Drive, Suite 103 | Fairbanks, AK 99775-5320 | Phone: 907-450-8383 | Fax: 907-450-8375

TO: Sally Supervisor, Dept of Astrology
123 Cosmos Building

DATE:

FROM: Chirk Chu, Security Consultant
Office of Information Technology

907-451-8144

RE: Possible Copyright Violation

ACTION REQUIRED: Delivery of Notice to Employee

The University of Alaska has received notice of a possible copyright infringement under the Digital



OFFICE OF
Information Technology



UNIVERSITY
of ALASKA
Many Traditions One Alaska



Steve Smith | Chief Information Technology Officer

1100 University Drive, Fairbanks, Alaska 99775-1100

TO: Joe Copy **Delivery Date & Time:** _____

A copyright owner. Media SENTRY has issued a Digital Millennium Copyright Act (DMCA).

During the investigation, affected computers will be sequestered by the Office of Information Technology and hard drives may be imaged and reviewed. Until further written notice, DO NOT ACCESS THIS COMPUTER, OR ANY OTHER COMPUTER WHICH YOU HAVE BEEN USING, FOR ANY REASON UNTIL GIVEN PERMISSION TO DO SO

Please identify any other computer to which you have access:

2. *Accept Personal Responsibility* - If you do not request an investigation, the University may, but has no obligation to, investigate. You should be aware that unless

an investigation establishes that someone was responsible for inappropriate activities, you are

responsible for taking steps to prevent future inappropriate activities as well as

SAMPLE DMCA Notice to Student Services regarding Alleged Student Violation

The University of Alaska received a copyright infringement complaint against the following UAF wired network user.

Please advise if you wish to disable this user's network access.

Registered user: John Doe
Registered email ID: john.doe@alaska.edu
MAC address: 00:00:00:00:00:00

System name: Doe-PC
Date of infringement: 13 Aug 2010 12:00:01 GMT
Infringing work: The Colbert Report - 2010.08.03.Laura.Ingraham
Copyright holder: Viacom
Software used: BitTorrent

Further evidentiary information:

Initial Infringement Timestamp: 12 Aug 2010 16:08:24 GMT
Recent Infringement Timestamp: 12 Aug 2010 16:08:24 GMT
Infringers IP Address: 199.165.99.123
Protocol: BitTorrent
Infringed Work: Comedy Central- The Colbert Report
Infringing File Name: The.Colbert.Report.2010.08.03.Laura.Ingraham.HDTV
Infringing File Size: 183747694
Bay ID: d26e87f57d0df8f60cca0d8ada2b443a3fde7bfff183747694
Port ID: 50854

Complaint is attached.

Chirk Chu
Security Consultant
Office of Information Technology
University of Alaska
907-451-8144

SAMPLE DMCA Notice to Student from Student Services regarding Alleged violation

August 13, 2010

John Doe
Moore Hall 123
University of Alaska Fairbanks

The purpose of this letter is to inform you that the University of Alaska Fairbanks has received a complaint that you were infringing on the rights of Warner Brothers by engaging in the unauthorized electronic transmission of the copyrighted electronic material, Where The Wild Things Are (Movie), using the Peer-To-Peer software BitTorrent.

Your access to the campus computing network will be deactivated until this allegation is resolved. You have two options you may pursue to resolve this complaint:

1. **Option one:** If you believe the complaint is accurate, then you should take the following actions within 72 hours of receipt of this letter:

1. Theft of property or services
2. Violation of published university policies, regulations, rules or procedures as well as federal law.

The unauthorized distribution of copyrighted material using the campus computing network has the

potential to open up the University for Liability. Although the University does not monitor content that is transmitted to/from the Internet, the University is required by law to respond to complaints from

regarding and determine the extent to which copyrighted material is being shared. Since you were

CALL THE UNIVERSITY OFFICE FOR MORE INFORMATION OR TO MAKE RESERVATIONS OF THESE

BEHAVIOR ON THE COMMUNITY, ON THE UNIVERSITY AND ON THEMSELVES IN THE FUTURE. A STATE POLICE AGENCY OR THE FBI WOULD NOT HAVE BEEN AS LENIENT AS WE HAVE. THE RESOURCES MENTIONED ABOVE ARE ALSO GOOD OPPORTUNITIES TO HELP LEARN ABOUT THE LAW. I HOPE THAT THESE EVENTS AND THEIR ON

SEQUENCES WILL PROVE TO BE A LEARNING EXPERIENCE FOR YOU. PLEASE CONTACT