

# Copyright Awareness, Illegal Downloading and the Digital Millennium Copyright Act (DMCA)

The following is a short summary of information aimed at improving Marshall University employees, students and affiliates awareness of current copyright law and ensure compliance with the Digital Millennium Copyright Act (DMCA).

- Copyright infringement is a violation of University, state and federal law.
  - Can lead to fines, disciplinary action, and dismissal from the institution.
  - Claiming educational use is not an automatic protection against infringement claims.
  - DMCA Infringement is not 'just a music thing' – it covers a broad range of digital works including: audio and video recordings, electronic books, computer software, video games, etc.
- Peer-2-Peer (P2P) Software and Internet-based file sharing tools can be used for both good (legal) and bad (illegal) purposes
  - Legal use to allow researchers to share data and access open-source software
  - Illegal use includes downloading and/or uploading (sharing) copyrighted commercial works like music, video, and computer software.
- Infringement using institutionally-owned equipment – The department and University can be held jointly responsible for the infringement activities of staff, graduate assistants, etc. when they are using University-owned devices. This is especially problematic for University resources, purchased with public monies, to be found engaging in illegal activity.
- Infringement using personally-owned equipment connecting thru campus networks – Do not let your personal views regarding whether use of P2P, media sharing, and the music/media industry put you at risk of infringement, especially when using the campus network. Infringement by employees using personal-owned equipment on/thru the campus network will be subject to the ITP-2- Copyright Infringement Complaint Procedure which includes:
  - Disconnection of network access
  - Notification of Academic Affairs (faculty), Human Resources (staff) or Dean of Students
  - Payment of reconnect fees - \$50 first offense, \$100 subsequent offense(s)

Here are a few actual examples of infringement which occurred while using personal equipment:

- VPN Use by Employees – if you access the campus network with a personally-owned computer connecting over the virtual private network (VPN) connection. You receive a MU campus IP address and for the duration of the VPN session appear as an extension of the campus-network. You are infringing using the campus network if file sharing during this VPN session.
- Risk During Remote Connection Software – if you are off-campus and make use of software that provides access to an on-campus computer (i.e. GoToMyPC, LogMeIn, Remote Desktop). You are infringing if file sharing software is active on the on-campus computer (acting as a server), even if you are primarily using the off-campus computer.

## Resource Links

- MU Copyright Education Web Site: <http://www.marshall.edu/it/copyright-education/>
- ITP-1 MU Comprehensive Copyright Procedure:  
<http://www.marshall.edu/itc/ITCPolicies&Procedures/PDF/ITP-1.pdf>
- ITP-20 Copyright Infringement Complaint Procedure:  
<http://www.marshall.edu/itc/ITCPolicies&Procedures/pdf/itp-20.pdf>

## Frequently Asked Questions (FAQ)

- **How does illegal file sharing affect the security and stability of computer systems and campus networks?**
  - Excess bandwidth and system resource consumption can cause computers to be slow, sluggish and even hang or crash.
  - Many 'free' P2P software packages are advertising supported which result in you seeing more web pop-ups and increased junk e-mail (spam).
  - Downloaded media files may be infected with or just decoys for malicious software (malware) which can result in exposing personal and institutionally protected data.
  - Receiving and responding to 'Infringement Notices' forces IT staff away from primary support roles.
  - Infringement events on department computers will result in loss of network connection and reconnect fees.
  
- **How do I know when equipment is being used for illegal file sharing and at-risk for copyright infringement?**
  - Observe presence of unusual software commonly associated with file sharing and peer-to-peer (P2P) activities (see list below)
  - Slow network or overall system performance on the computer
  - Over-abundance of media/reduced available disk space as a result of files stored on the system (music, videos, games)
  - Receiving 'notice of infringement' e-mail notices from the Marshall IT Service Desk or from your Internet Service Provider.
  
- **How do I identify file sharing software often associated with illegal file sharing?**
  - Look for the following software titles in the 'All Programs' menu or the 'Add/Remove Programs' control panel (on Windows PC): Acquisition, Aimster, Ares, BearShare, BitTorrent, Blubster, eDonkey, Freewire, Gnutella, Grokster, LimeWire, Warez P2P, uTorrent – just to name a few.
  - Ask other users of the machine whether they are aware of illegal file sharing activities.
  - Ask your IT Service Provider or the Marshall IT Service Desk for a software inventory of programs installed on the computer. Ask them to highlight any software which is suspicious or not authorized for use on that computer.
  
- **Does illegal file-sharing continue to be a problem for the campus network?**
  - The Office of Information Technology (OIT) continuously monitors the volume of DMCA notices. This allows us to determine whether the University Copyright Awareness plan is effective in combating unauthorized distribution of copyrighted materials. The chart below summarizes the frequency and associated media types of copyright infringement notices which are received by OIT.

