 User Guidelines for Protecting Copyrighted Material	Guidelines No.	ITS-1016-G	Rev:	--
	Owner:	IT Security and Compliance		
	Approved by:	Sheryl Okuno, Acting Director, IT Security and Compliance		
	Issued:	2-12-09	Effective:	2-12-09
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1 Purpose

It is Cal State L.A. policy that any and all information technologies be used in a manner consistent with federal and state laws, California State and CSU executive orders, and Cal State L.A. guidelines and Administrative Procedures regarding electronic copyrighted materials. These include, but are not limited to, the following:

- The Digital Millennium Copyright Act of 1998 (DMCA).
- California Code of Regulations, Title 5.
- State of California Executive Order S-16-04, which prohibits the use of state resources to illegally download copyrighted material.
- CSU Executive Order 999: Illegal Electronic File Sharing and Protection of Electronic Copyrighted Material.
- CSULA User Guidelines for E-mail and Electronic Communications.

As a University whose constituents create intellectual property, Cal State L.A. has a significant interest in ensuring that all copyrighted material is protected and that the rights of copyright holders and creators of intellectual property are respected and maintained.

Technological advances and the use of applications such as peer-to-peer file sharing have created an environment where illegal downloading of copyrighted materials, particularly, but not exclusively, music, games, and entertainment videos has flourished. These guidelines are published to discourage abusive use of otherwise legitimate technologies, and to help students, faculty, and staff meet the University's accepted standards for protecting copyrighted electronic material. All users of campus communications resources are expected to read and abide by these user guidelines.


2 Definitions

Copyright: A form of protection for literary, dramatic, musical, artistic, and certain other intellectual works to authors of "original works of authorship," provided by the laws of the United States (Title 17, U. S. Code). Copyrights protect both published and unpublished works. Copyrights protect the work's reproductions, derivations, distribution, performances, display (including recorded images or audio transmissions).

Copyrighted Materials: Original works that are protected by the 1976 Copyright Act and other United States laws (Title 17, U.S. Code). Copyrighted materials include literary works (including computer programs, computer games, and most compilations); musical works (including any accompanying words); dramatic works (including any accompanying music); pantomimes and choreographic works; pictorial, graphic, and sculptural works (including maps and architectural plans); motion pictures and other audiovisual works; sound recordings; and architectural works.

MPAA and MPA: The Motion Picture Association of America (MPAA) and its international counterpart, the Motion Picture Association (MPA) serve as the trade associations of the American film industry. They are authorized to act on behalf of its members to, among other things, protect intellectual property rights worldwide. Their members include "major producers and distributors of entertainment programming for television, cable, home video and future delivery systems not yet imagined."

Source: <http://www.mpa.org/>


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RIAA: Recording Industry Association of America, a trade group representing the U.S. recording industry and authorized to act on behalf of its members to, among other things, protect intellectual property rights worldwide. Source: <http://www.riaa.com>

Service Provider: According to section 512(k)(1)(A) of the DMCA “service provider” is defined as “an entity offering the transmission routing, or providing of connections for digital online communications, between or among points specified by a user, of material of the user’s choosing, without modification to the content of the material as sent or received.” For purposes of the other three limitations, “service provider” is more broadly defined in section 512(k)(l)(B) as “a provider of online services or network access, or the operator of facilities therefor.”

3 Guidelines

- a) Cal State L.A. resources, including computer hardware and software and intra/inter-campus network connections, must not be used for the purpose of illegal downloading, copying, or using copyrighted materials, including, but not limited to music, videos, motion pictures, application software, and Internet accessible content.
- b) Use of any University resource such as computers (hardware or software), network connections, servers, routers, facsimile machines, copy machines and other electronic equipment by any University constituent (faculty, student, staff or general public) to circumvent legitimate copyright protections or illegally access, copy or disseminate copyrighted material is prohibited.
- c) Installation on University resources of any application software that is legally downloaded from the Internet or purchased on electronic media must be in strict compliance with specified vendor licensing agreements and restrictions. Sharing application software with unlicensed users or installing it on multiple computers beyond the quantity authorized by the purchased individual or site license is prohibited.
- d) Downloading or posting copyrighted materials on the University Web site without first obtaining the copyright holder’s permission is prohibited.
- e) Cal State L.A. students, faculty, staff, and third party vendors/consultants are responsible for all activity that occurs under their accounts.
- f) Cal State L.A. sponsors of wireless or network guest accounts are responsible for all activity that occurs under those guest accounts.
- g) Cal State L.A. handles notices involving copyright infringements of electronic materials as outlined in sections 3.1: Copyright Infringement Notifications, 3.2: Settlement Letters, and 3.3: Preservation Notices below.
- h) All information and communications regarding a copyright infringement matter, including copyright infringement notifications, settlement letters, and preservation notices, shall be treated as confidential.
- i) Cal State L.A. does not generate DMCA notices.
- j) Cal State L.A. does not release a user’s name upon receipt of a DMCA notice. Unless served with a proper subpoena, the University Counsel does not release a user’s name to the copyright holder or representative agent.
- k) While Cal State L.A. may forward a notice related to copyright infringement to an identified user, the notice is a matter between the user and copyright holder or representative agent.

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3.1 Copyright Infringement Notifications

When a copyright holder has a good faith belief that its rights are being violated, it can send a copyright infringement notification to the service provider. These notifications, or “warning notices,” are sent by the copyright holder or representative agent (e.g., the RIAA). The University acts on copyright infringement notifications that are compliant with DMCA section 512(c)(3) as follows:

- a) All copyright infringement notifications are received by the University Counsel, who is filed with the United States Copyright Office as the University’s designated agent to receive notifications of claimed infringement as specified under the DMCA.
- b) If the University Counsel deems that an infringement notification meets the requirements and qualifications as set forth by the DMCA, the notification is forwarded to the Director, IT Security and Compliance, and copied to the Vice President, Information Technology Services (ITS).
- c) IT Security and Compliance attempts to identify the account connected with the alleged infringement. Depending on the nature of the infringement, ITS expeditiously takes down and/or blocks access to the copyrighted material and performs whatever actions necessary to block future access, including to e-mail accounts if requested to do so. If a campus account is identified as being related to the alleged infringement, the account holder’s name is reported to the University Counsel.
- d) If the identified account holder is a student, the University Counsel refers the matter to the Judicial Affairs Officer, with a copy to the Vice President for Student Affairs. The Judicial Affairs Officer forwards a copy of the infringement notification to the student and takes any other actions as appropriate, which may include requesting IT Security and Compliance to disable access and/or services.
- e) If the identified account holder is a faculty or staff member, the University Counsel refers the matter to the Director of Human Resources Management (HRM), with a copy to the individual’s divisional vice president. The Director of HRM forwards the copyright infringement notification to the employee and takes any other actions as appropriate, which may include requesting IT Security and Compliance to lock network access and/or services.
- f) If and when appropriate, the Judicial Affairs Officer or the Director of HRM will notify IT Security and Compliance to restore access and/or services previously locked.
- g) In the event the University receives a copyright infringement notification that requires the removal of illegally posted or published copyrighted material, the University is obligated to take appropriate actions.
- h) Safeguards are built into section 512 of the DMCA to protect against erroneous or fraudulent infringement notifications by allowing an identified account holder to serve a counter-notification after posted or published material is voluntarily removed or the University disables access to it.

A counter-notice must be a written communication to the University’s designated agent that contains all the following:

- A physical or electronic signature of the identified user;

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- Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled;
- A statement under penalty of perjury that the user in good faith believes that the material was removed or disabled as a result of mistake or that it was misidentified;
- The identified user's name, address, and telephone number, and a statement that the user consents to the jurisdiction of Federal District Court for the judicial district in which the address is located, or if the user's address is outside of the United States, for any judicial district in which the service provider may be found, and that the user will accept service of process from the complainer (i.e., entity who filed the copyright infringement notification).

Upon receipt of the counter-notice the University will:


- Promptly send a copy of any conforming counter-notice to the complainer and will inform the complainer that it will replace the removed material or cease disabling access to it in 10 business days; and
- Replace the removed material and cease disabling access to it in 10 to 14 business days following receipt of the counter-notice, unless the user first receives notice from the complainer that he/she/it has filed an action seeking a court order to restrain the user from engaging in infringing activity relating to the material on the University's system or network.

If the University receives notice that the complainer has filed a court action to restrain the user, the University will:

- Not repost or replace the material in question while the court action is pending;
 - Forward the notice to the identified user;
 - Forward the notice to the Director of Human Resources Management if the user is a faculty or staff, or to the Judicial Affairs Officer if the user is a student.
- i) Cal State L.A. is not a party to matters involving copyright infringement notifications. A user who receives a copyright infringement notification has the responsibility to decide how to respond to it, and may want to consult with his or her legal counsel before making a decision.

3.2 Settlement Letters

Copyright holders have taken steps beyond notifications to further deter music piracy theft and other copyright infringements. They are asking service providers to forward a pre-litigation letter to the user whose account matches information associated with the infringement. The letter offers the user an opportunity to settle piracy and infringement matters before a lawsuit is filed. This new initiative targets college campuses nationwide. A sample of such a settlement letter may be found at: <http://www.educause.edu/ir/library/pdf/CSD4832.pdf>. The University acts on settlement letters from copyright holders or their representative agents (e.g., RIAA) as follows:

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- a) A settlement letter regarding copyright infringements will be treated as a DMCA notification and is received by the University Counsel, who is filed with the United States Copyright Office as the University's designated agent to receive notifications of claimed infringement.
- b) If the University Counsel deems that the settlement letter meets all legal requirements under the DMCA, it will be forwarded to the Director, IT Security and Compliance, and copied to the Vice President, Information Technology Services (ITS). IT Security and Compliance will attempt to identify the user and report results back to the University Counsel. If the user is identified, IT Security and Compliance will forward the settlement letter to the user.
- c) In the event that the forwarding of the settlement letter to the user cannot be confirmed (through, for example, a declaration of personal service by a messenger), IT Security and Compliance will mail the settlement letter to the user's last known address as set forth in University records.
- d) Unless served with a proper subpoena, Cal State L.A. does not release a user's name/contact information to the copyright holder or representative agent upon receipt of a settlement letter.
- e) Cal State L.A. is not a party to matters involving settlement letters. A user who receives a settlement letter has the responsibility to decide how to respond to it, and may want to consult with his or her legal counsel before making a decision.


3.3 Preservation Notices

Copyright holders or their representative agents (e.g., RIAA) may send a preservation notice (or "preservation letter") that asks Cal State L.A. as the service provider to preserve the contact information of an individual whose name matches an Internet protocol (IP) address associated with an infringement. The University acts on receipt of preservation notices as follows:

- a) Cal State L.A. maintains logs for approximately fourteen (14) days or until overwritten by new data.
- b) Preservation notices do not meet all the requirements of a DMCA notice.
- c) Upon receipt of a preservation notice, Cal State L.A. will preserve the requested information if it is available. If the user can be identified, the University Counsel will forward the notice to the user.
- d) Unless served with a proper subpoena, Cal State L.A. does not release a user's name to the copyright holder or representative agent upon receipt of a preservation notice.
- e) Cal State L.A. is not a party to matters involving DMCA preservation letters.

3.4 Copyrighted Software Applications


- a) A vendor's license agreement must be in place for all software applications/computer programs purchased for University use.
- b) Software applications licensed for a specific time frame (e.g., two quarters, one academic year, etc.) must be removed from all computers and/or servers on or before the expiration date.

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- c) The number of software application installations, whether licensed for multiple installations or multiple concurrent installations, must never exceed the quantity licensed.
- d) License agreements for all software applications in student labs must be filed with Information Technology Services *prior* to the applications being installed. License agreements should be submitted to the ITS Help Desk (LIB PW Lobby) with the following notation: "Attention: ITS Desktop Services."
- e) All software applications in student labs without a license or whose license is expired will automatically be removed by the ITS Desktop Services unit.
- f) The ITS Desktop Services unit will automatically remove any software applications in excess of the licensed quantity.
- g) The University's license for Microsoft Office software applications allows for one installation on an authorized user's personal machine if that computer is used for University work at a second location. Microsoft Office software applications may not be installed on additional personal computers, and may not be shared with or redistributed to unauthorized users.

4 Terms, Conditions, and/or Sanctions

- a) All University students, faculty, and staff, as well as visitors, vendors, and consultants with approved guest accounts, are subject to the Digital Millennium Copyright Act, Title 5 of the California Code of Regulations, and other federal and state laws dealing with illegal file-sharing and other copyright violations. Copyright holders have the right to bring legal action against violators for illegal file-sharing and other copyright infringements under federal and state laws.
- b) Illegal file-sharing and other copyright infringements are violations of campus policy and user guidelines.
- c) Cal State L.A. does not monitor the network or devices attached to it as a practice, but may do so for limited periods to protect the rights and property of the state and to safeguard the integrity, security, and operation of the University. Monitoring may be necessary for purposes including, but not limited to, network maintenance, troubleshooting, regulatory compliance, and investigation of violations of law, policy, or user guidelines. However, many copyright holders or their representative agents conduct pervasive Internet monitoring of file sharing and other violations of their copyrights.
- d) All University employees who violate these guidelines or any applicable laws are subject to disciplinary and/or personnel action up to and including termination, consistent with University policies, rules, and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. It may also lead to the revocation of University computing resource privileges and e-mail accounts.
- e) All students and employed student assistants who violate these guidelines or any applicable laws are subject to disciplinary action as deemed appropriate by the University Judicial Affairs officer, including referral to law enforcement authorities for criminal prosecution.
- f) Software applications installed on University resources in violation of vendor license agreements and restrictions will be immediately removed, including installations in excess of licenses purchased (see section 3.4: Copyrighted Software Applications).

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5 Contacts

- a) Questions regarding these guidelines should be directed to itsecurity@calstatela.edu.
- b) Technical support for campus-provided resources is available at the ITS Help Desk, LIB PW Lobby, (323) 343-6170, or helpdesk@calstatela.edu, or by the administrative or academic Information Technology Consultant.
- c) Questions regarding the Digital Millennium Copyright Act of 1998 should be directed to the University Counsel at (323) 343-3054.
- d) Questions regarding Standards for Student Conduct should be directed to the Judicial Affairs Office, Student Affairs, (323) 343-3103, SA 117.
- e) Questions regarding faculty affairs and labor relations should be directed to HRM, (323) 343-3694, ADM 606.

6 Related Documents

ID/Control #	Title
EO 999	CSU Executive Order 999: Illegal Electronic File Sharing and Protection of Electronic Copyrighted Material: http://www.calstate.edu/EO/EO-999.html
N/A	Sample Copyright Infringement Notification: http://www.educause.edu/ir/library/pdf/CSD4832.pdf
N/A	United States Digital Millennium Copyright Act For complete text, visit: http://thomas.loc.gov/cgi-bin/query/z?c105:H.R.2281.ENR ; For a comprehensive summary, visit: http://www.copyright.gov/legislation/dmca.pdf
ITS-1000-G	User Guidelines for E-mail and Electronic Communications http://www.calstatela.edu/its/policies