



Information Technology Services Guidelines

User Guidelines for Protecting Electronic Copyrighted Material	Guideline No	ITS-1016-G	Rev	B
	Owner	IT Security and Compliance		
	Approved by	Sheryl Okuno, Director IT Security and Compliance		
	Issued	4-28-10	Revised	4/5/17
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1. Purpose

It is Cal State LA's expectation that any and all information technologies be used in a manner consistent with federal and state laws, CSU Information Security Policy and executive orders, and Cal State LA standards, guidelines and Administrative Procedures regarding electronic copyrighted materials.

As a University whose constituents create intellectual property, Cal State LA 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 nationwide. 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 University communications resources are expected to read and abide by these user guidelines.

2. Related California State University Policies and Standards

The following documents of the latest issue in effect represent the criteria against which University information security audits shall be based and shall apply to the extent specified herein. Standards provide detailed supporting and compliance information for policies.

ID/Control #	Description	Title
8015.0	Policy	Organizing Information Security
<i>8015.S000</i>	<i>Standard</i>	<i>Information Security Roles and Responsibilities</i>
8035.0	Policy	Information Security Awareness and Training
<i>8035.S000</i>	<i>Standard</i>	<i>Security Awareness and Training</i>
8075.0	Policy	Information Security Incident Management
<i>8075.S000</i>	<i>Standard</i>	<i>Information Security Incident Management</i>
8090.0	Policy	Compliance
8095.0	Policy	Policy Enforcement

In support of the CSU policies and standards, the University publishes **standards** (define the minimum requirements necessary to meet CSU policy) and **user guidelines** (provide general recommendations and instructions for users to comply with the policy). These supporting documents are available on the [IT Security website](#) under the policy title noted above.



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3. Entities Affected by These Guidelines

These guidelines apply to all University students, faculty, staff, Auxiliary Services, third-party service providers and guests.

4. Definitions

- a. Academic Student Employee: A student employee is one who works in support of research and instruction and, as such, is subject to the policies stated in the CSU and UAW contract for Academic Student Employees (ASEs). Academic student employees include instructional student assistants, graduate assistants and teaching associates.
- b. Complainant: The party who makes a complaint in a legal action or proceeding.
- c. 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).
- d. 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 or sculptural works (including maps and architectural plans); motion pictures and other audiovisual works; sound recordings; and architectural works.
- e. Entertainment Software Association (ESA): A U.S. association exclusively dedicated to serving the business and public affairs needs of companies that publish computer and video games for video game consoles, personal computers and the internet. Source <http://www.theesa.com>.
- f. Guest Account: A wireless or network account temporarily assigned to a University guest or visitor (e.g., visiting dignitary, guest lecturer, vendor, organization representative, etc.). Guests are required to sign an Information Confidentiality/Non-disclosure Agreement before a wireless or network account is granted and to abide by all requirements of the Agreement.
- g. 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/>.
- h. 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>.



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- i. Service Provider: For the purpose of Protecting Copyrighted Material and according to section 512(k)(1)(A) of the Digital Millennium Copyright Act (DMCA), a “service provider” is “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.” A “service provider” is more broadly defined in section 512(k)(1)(B) as “a provider of online services or network access, or the operator of facilities therefor.”
- j. Sponsor: A University administrator or designee responsible for arranging network and wireless accounts for guests. Sponsor responsibilities include gathering identifying information about the guest (i.e., name, company or organization, contact information, date(s) and time(s) of visit); obtaining the guest’s signed Information Confidentiality/Non-disclosure Agreement; distributing the wireless and network accounts to the guests; and advising the guests of their conditions for use of University network facilities.

5. Guidelines

5.1 General

- a. Cal State LA resources, including computer hardware and software and intra/inter-campus network connections, must not be used for the purpose of illegal downloading or copying, or for the inappropriate use of copyrighted materials including, but not limited to, music, videos, motion pictures, games, 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 website without first obtaining the copyright holder’s permission is prohibited.
- e. Cal State LA students, faculty, staff, Auxiliary Services, third party vendors/consultants and guests are responsible for safeguarding the security of their accounts (e.g., logging off when leaving the University, using Control/Alt/Delete to lock the computer when temporarily leaving the work area, creating complex passwords, not sharing passwords, not posting passwords in a visible location). Where such precautions are not taken, University account holders may be held responsible for all activity that occurs under their account.
- f. Cal State LA sponsors of wireless or network guest accounts are responsible for obtaining the guest’s signed Information Confidentiality/Non-disclosure Agreement. Failure to do so may subject the sponsor of wireless or network guest accounts to responsibility for all activity that occurs under those guest accounts.



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- g. Cal State LA handles notices involving copyright infringements of electronic materials as outlined in sections 5.2: Copyright Infringement Notifications, 5.3: Settlement Letters, and 5.4: 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 to the extent permissible under law.
- i. Cal State LA does not generate DMCA notices.
- j. Cal State LA 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 LA 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.
- l. Cal State LA 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. Network monitoring may be necessary for purposes including, but not limited to, network maintenance, troubleshooting, malware detection, 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.

5.2 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 associate 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 (i.e., modify firewall rules, restrict network bandwidth). If a University 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 Student Conduct Office, with a copy to the vice president for Student Life. The Student Conduct Office forwards a copy of the infringement notification to the student and takes any other actions as appropriate.



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- e. If the identified account holder is a faculty member or an academic student employee, the University Counsel refers the matter to the associate vice president for Faculty Affairs, with a copy to the provost and vice president for Academic Affairs. The associate vice president for Faculty Affairs forwards the copyright infringement notification to the faculty member or student academic employee and takes any other action as appropriate.
- f. If the identified account holder is a staff member, the University Counsel refers the matter to the associate vice president for Human Resources Management (HRM), with a copy to the individual's divisional vice president. The associate vice president for HRM forwards the copyright infringement notification to the employee and takes any other actions as appropriate.
- 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;
- 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 complainant (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 complainant and will inform the complainant 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 complainant 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.



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If the University receives notice that the complainant 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 associate vice president for Human Resources Management if the user is a staff, to the provost and vice president for Academic Affairs if the user is a faculty member or academic student employee, or to the Student Conduct Office if the user is a student.
- i. Cal State LA 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.

5.3 Settlement Letters

Copyright holders have taken steps beyond notifications to deter further 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 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:

- 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 associate 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 LA 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 LA 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.



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5.4 Preservation Notices

Copyright holders or their representative agents (e.g., RIAA) may send a preservation notice (or “preservation letter”) that asks Cal State LA 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 LA 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 LA 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 LA does not release a user’s name to the copyright holder or representative agent upon receipt of a preservation notice.
- e. Cal State LA is not a party to matters involving DMCA preservation letters.

5.5 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 semesters, one academic year, etc.) must be removed from all computers and/or servers on or before the expiration date.
- 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 includes a Software Assurance benefit that allows employees who use the covered licenses at work to purchase Office applications for use on a personal device during the term of their employment. This temporary license expires with the University’s Software Assurance coverage, or upon employment separation from the University.



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6. Contacts

- a. Questions regarding these guidelines should be directed to itsecurity@calstatela.edu.
- b. Technical support for University-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 Student Conduct Office, Student Life, 323-343-3103.
- e. Questions regarding faculty affairs should be directed to Academic Affairs, Faculty Affairs, 323-343-3810.
- f. Questions regarding labor relations should be directed to Human Resources Management, 323-343-3694.

7. Applicable Federal and State Laws and Regulations

Federal	Title
U.S. Copyright Office	<p>United States Digital Millennium Copyright Act</p> <p>For a comprehensive summary, visit: http://www.copyright.gov/legislation/dmca.pdf</p> <p>The legislation implements two 1996 World Intellectual Property Organization (WIPO) treaties: the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. The DMCA also addresses a number of other significant copyright-related issues.</p>
U.S. Department of Education	<p>Higher Education Opportunity Act (Public Law 110-315) (HEOA)</p> <p>For a comprehensive summary, visit: http://www.ed.gov/policy/highered/leg/hea08/index.html</p> <p>To view the document in its entirety, visit: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ315.110.pdf</p> <p>This legislation, enacted on August 14, 2008, reauthorizes the Higher Education Act of 1965 (HEA) and, as amended, makes a number of changes to programs authorized under the HEA, authorizes new programs, and makes changes to other laws including Higher Education requirements for addressing Digital Theft Prevention.</p>
State	Title
Executive Order S-16-04	<p>Peer-to-Peer File-Sharing</p> <p>http://gov.ca.gov/index.php?/print-version/executive-order/3366/</p> <p>This Executive Order requires the State Chief Information Officer to develop a statewide policy regarding the use of peer-to-peer file-sharing programs on state computers.</p>