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Copyright

The U.S. Department of Education has issued new regulations regarding the distribution of copyrighted materials such as songs, games and videos through uploads and downloads over computer networks. The regulations are focused on combating the unauthorized, illegal distribution of copyrighted materials via Peer-2-Peer file sharing networks.
Higher education institutions are now required to develop and implement plans to deter the unauthorized sharing and distribution of copyrighted materials. The information in these Articles and FAQ sections detail elements of ECSU's plan including:

- Information about legal and illegal methods of sharing copyrighted materials
- The significant penalties associated with copyright violations
- Statutory fines within a range of $750.00 - $150,000.00 per infringement.
- Possible University sanctions: any of the following or any combination of the following: expulsion, suspension, disciplinary probation, disciplinary warning, residence hall separation, residence hall probation and residence hall warning.

How you will be identified if your computer is used to illegally share copyrighted materials: You are not anonymous on the network.

Please review and become familiar with the materials in these related articles and the FAQs below:

- What is P2P or Peer 2 Peer file sharing?
- What is copyright infringement?
- What are the consequences of illegally sharing videos and songs?
- How Does Eastern Respond illegal file sharing?
- How can I legally share copyrighted materials?
- How can I acquire legal copies of songs and videos?

Subject: Peer-to -peer File Sharing (P2P) - You are Not Anonymous on the Network

Many students at Eastern download music, videos, games, software and other materials and store them as files on their computer for their personal use. Much of this material is copyrighted, that is, federal law protects the people who create these materials granting them exclusive use or ownership of the material for specified time periods. Copyright law establishes rules that govern who and how copyrighted material can be accessed and used. Generally, the permission of the owner of the material is required before it can be legally copied or distributed.

Online sources that provide legitimate, legal downloading services are available through Eastern's link to the internet. Click here for a list of legitimate online sources from which you can download materials.

If you are storing and using copyrighted material on your computer, it is your responsibility to insure that the material is not illegally shared with others. One way of illegally sharing material is to install Peer-to-Peer File sharing software (P2P) on your computer and allow others to upload copyrighted materials from your computer to theirs. It is also possible for your computer to become infected with a 'virus' that allows others to illegally upload materials from your computer. You may not be aware that your computer has this 'virus' and that you are illegally sharing protected materials.

In either case you are violating federal law and University policies. There are significant federal criminal and civil penalties for doing so. Eastern and the CSUS also have penalties in place that apply to copyright infringement. They include expulsion, suspension and other possible disciplinary sanctions.

It is important to realize that copyright violations will be discovered and that they can easily be traced to the specific computer that is the source of illegal uploading. Several copyright enforcement organizations continuously monitor and search the Internet for violations. When they determine the source of the material they can require the organization hosting the computer on its network to provide additional information that will identify the individual using the computer. They may then initiate civil or criminal proceedings to protect their copyright.

The Higher Education Opportunity Act of 2008 requires that colleges and universities combat the unauthorized distribution of copyrighted materials.

Please review the related articles and learn how to legally access and use copyrighted materials avoiding the penalties associated with copyright infringement.

What is copyright infringement?
As a general matter, copyright infringement occurs when a copyrighted work is reproduced, distributed, performed, publicly displayed, or made into a derivative work without the permission of the copyright owner." - http://www.copyright.gov/help/faq/faq-definitions.html

Both the federal law and the Connecticut State University System's Student Code of Conduct policy specifically prohibit copyright infringement. Each imposes significant penalties for doing so.

It is important to note the following:

> Recognizing the author of a specific statement such as footnoting or attributing authorship of material is not the same as getting permission from the copyright owner to reproduce the material. Even with such recognition, copyright infringement can occur.
>
> Students are subject to federal and state laws in addition to University policies. University disciplinary processes do not exempt a student from federal and state civil and criminal processes.
>
> You are responsible for any copyright violations that occur from your computers address. A friend or roommate using your computer for illegal activities can place you in jeopardy.
>
> Even if you have legally purchased copyrighted material such as a song, it is still illegal to share your copy of the song with others unless you have the copyright holders permission to do so.

What are the Consequences of Copyright Infringement?
In the case of Federal law, several possible consequences for copyright infringement have been specified. Content owners are entitled to actual or statutory damages when copyright infringement occurs. They are entitled to recover actual damages and any profits of the infringer that are attributable to the copyright infringement. Or they may choose to recover statutory damages within a range of $750.00 - $30,000.00 per infringement. In the event that the copyright owner proves that you willfully (with knowledge of the existence of a copyright) committed an infringement, the court may award damages as high as $150,000.00 per infringement.

The Connecticut State University System's Student Code of Conduct and Statement of Student Conduct Procedures Policy on Student Use of University Computer Systems and Networks includes "...unauthorized peer-to-peer file sharing of copyrighted materials..." as a prohibited conduct subject to disciplinary sanctions (Part III, Section 22). Possible sanctions are any of the following or any combination of the following: expulsion, suspension, disciplinary probation, disciplinary warning, residence hall separation, residence hall probation and residence hall warning (Part V). The Code specifies the Student Conduct procedures that will be used to determine sanctions.

There are limits to the exclusive use rights granted by a copyright. These limits are generally referred to as the 'fair use' of copyrighted materials. Fair use permits the use of copyrighted materials without the specific permission of the copyright owner. The distinction between fair use and infringement is often unclear and difficult to establish.

Federal law provides some guidelines to use in establishing fair use. Portions of a particular work may be reproduced and considered fair use if the purpose of doing so is criticism, comment, news reporting, teaching, scholarship, or research. So, including short passages of someone else's written work in your report or paper is allowed under the fair use provision. Don't forget the footnote! Showing portions of a film or listening to portions of someone's musical composition in class are also fair use of video or musical material.

If you subscribe to a service that provides legal copies of copyrighted work such as iTunes, you are required to use all downloaded materials (songs) in accordance with the service's rules of usage. Generally these rules prohibit you from sharing your downloaded files with others. You cannot make files you legally downloaded available for others to copy to their computers. Doing so is a violation of copyright laws and you will be subject to fines, legal actions and penalties.

There are guidelines for legally sharing someone else written materials, songs or videos. However, the guidelines are not clear or easy to apply to many cases.

The Best Rule of Thumb: When in doubt, get permission!

The CUSU system has more details about copyright at https://www.ct.edu/copyright

How Does Eastern Respond to Copyright Infringement Notices?

Copyright holders and their agents search the Internet for copies of their material that is illegally being made available for sharing via P2P software. When they find such activity they are able to identify the IP address of the computer sharing their material. They may then contact the network provider, in this case the CSU System, issuing a copyright infringement notice requesting that action be taken to prevent further infringement of their copyright. They may also begin a process which may result in the payment of a substantial infringement fee or the initiation of a criminal charges.

When Eastern receives a copyright infringement notice, the network access of the computer associated with the IP address included in the notice is restricted and its access to the Internet is blocked. Residence Life is notified of the restriction and a campus conduct process is begun. A hearing occurs to determine if the student has violated the University's policies regarding illegal file sharing. If a violation has occurred, disciplinary sanctions may be imposed. Sanctions include any of the following or any combination of the following: expulsion, suspension, disciplinary probation, disciplinary warning, residence hall separation, residence hall probation and residence hall warning. (Student Code of Conduct, Part V Disciplinary Sanctions)

Internet access remains blocked until a formal recommendation for access reinstatement is issued through the conduct process.

Students are subject to federal and state copyright laws in addition to University regulations and policies. The consequences in copyright infringement are significant. See this section for a summary of possible University sanctions and civil and criminal penalties for violation copyrights: Article 42: Consequences of Copyright Infringement

P2P software such as eDonky, LimeWire, and BitTorrent enables computers on a network to share files containing content such as music, movies and games. For example, the software can be used to search the network for a copy of a specific song that is available for 'sharing'. Once located, the song can then be downloaded and enjoyed.

If the material being copied is 'in the public domain', P2P software can be legally used to copy and share it. However, if the material is copyright protected, sharing it without the permission of the copyright holder violates federal laws and University policies. For more information about copyright violation see the section on Article 42: Consequences of Copyright Infringement .

Copyright owners often specifically target university networks and search for unauthorized file sharing activities. When they find computers engaging in this activity they can and will take steps to identify the person who has registered that computer for use on the network. Lawsuits have been filed against thousands of individuals using P2P software. Many of these individuals have had to pay significant fines to avoid even more severe penalties.

Some P2P software companies claim that they provide users of their software with anonymity. However, if you use Eastern's network for P2P file sharing, you are not anonymous. Information about your P2P activities and the identity of your computer is available to those searching for unauthorized file sharing. This information can be specifically linked to you.

Reputable P2P software services are available and legal to use. These services have secured the permission of the copyright owner to distribute copies of their work. For a list of Internet sites that provide legitimate file sharing services see Article 44: A List of Sources for Downloadable Materials .

The Higher Education Opportunity Act requires that Universities "offer alternatives to illegal downloading". The list of Internet sites (below) from which legitimate copies of music and videos can be downloaded was created by EDUCAUSE. It may not include all sources of legal copies of these types of materials. However, it does establish that there are many legitimate sources of copyrighted materials available. No endorsement or evaluation of these sites is intended.

Typically these sites will charge for their services. They will also have usage agreements that you must follow. These agreements may permit your exclusive use of the material and prohibit copying or sharing the materials with others.

Even in these cases, it is important to take several steps to protect your computer from being used for illegal file-sharing:

- Enable a software firewall on your computer
- Install antivirus software and keep it current
- Install antispyware software and keep it current
- Regularly update your operating system and other software programs on your computer
- If you legally purchase copies of copyrighted files, do not store them in a P2P file-sharing folder
- If you legally purchase copies of songs and videos, do not allow others to copy them from your computer

The ECSU Help Desk can assist you in implementing these steps.

- ABC.com TV Shows
- Amazon MP3 Downloads
- Amazon Video on Demand
- Amie Street
- AOL Music
- ARTISTdirect Network
- AudioCandy
- Audio Lunchbox
- BearShare (version 6 or higher)
- Best Buy
- BET
- Blip.fm
- Blockbuster Online
- Bravo Videos
- Buy.com
- Cartoon Network Video
- Catsmusic
- CBS Video
- CD Baby
- CinemaNow
- Clicker (formerly Modern Feed)
- Comedy Central Video
- Criterion Online
- The CW Video
- Dimple Records
- Discovery Channel Videos
- Disney Videos
- Download Fundraiser
- The Electric Fetus
- eMusic.com
- ESPN360
- EZTakes
- Fancast
- FOX on Demand
- FX Networks Video
- FYE
- Gallery of Sound
- GameFly
- GameTap
- Hulu Movies & TV
- iLike
- iMDb Video
- imeem
- iMesh
- Independent Records & Videos
- iTunes Movies, Music, & TV
- Jaman
- Jamendo
- Joost Movies & TV
- Lala
- Last.fm
- Latinoise
- LifeWay Music
- Liquid Digital Media
- Listen.com
- Magnatune
- MediaNet
- Mindawn
- MovieFlix
- MP3.com
- MTV Video
- Music Millennium
- MusicRebellion
- myLifetime Video
- MySpace Music
- Napster
- NBC Video
- Netflix Movies & TV
- Neurotic Media
- Nick Jr. Video
- Pandora
- PBS Kids Go! Video
- PlayStation Store
- Pro-Music
- Public Domain Torrents
- Qtrax
- Record & Tape Traders
- Reeltime Television Network (RTVN)
- Rhapsody
- Slacker
- South Park Episode Player
- Spinner
- Spotify
- Steam
- Superpass
- TBS Videos
- TheWB
- TidalTV
- TNT DramaVision
- Top Hits Entertainment
- TV.com
- TVLand Video
- USA Network Videos
- VH1 Videos
- Walmart Movies & TV
- Walmart MP3 Music Downloads
- Windows Media Guide
- Xbox Live Marketplace
- Yahoo! Music

Plan to Combat the Illegal Distribution of Copyrighted Materials
Eastern Connecticut State University
Information Technology Department

Introduction:

In accordance with DOE P2P regulation requirements regarding copyright protection, ECSU has created this plan to combat illegal file sharing.

This plan will be reviewed yearly with emphasis on the following:

- New or changed DOE regulations and federal copyright compliance laws
- New technologies available to deter illegal file sharing
- New or changed CSUS and ECSU policies and the Student Conduct Code
- The list of legal download service sites
- Legal methods of Sharing Files

Plan Outline:

1. Semi-Annual Notice to Students and Faculty Regarding Copyright Compliance

   Under the direction of the CIO, the Campus Information Security Officer will distribute an email to all students, faculty and staff summarizing the requirements of current copyright law, DOE regulations and University policies. The summary will include notice of available sources for legally downloading copyrighted materials. Links to additional sources of information about file sharing will also be included. This notice will be sent at the start of the fall and spring terms.

2. Web Based Compliance Information Available to Students

   The semi-annual email will be accessible on the student portal. Additional information about the following compliance topics will also be available on the portal:
   - A description of Peer-2-Peer file sharing technology
   - A statement of how ECSU will process infringement complaints
   - A detailed statement of the federal, state and University penalties for copyright infringement
   - A list of alternatives to illegal file sharing
   - A summary of 'fair use' of copyrighted materials

3. Other Campus Sources of Information about Copyright Law and Compliance
   - The University will include information about illegal file sharing in new student orientation programs.
   - The IT help desk and student support center will assist students in their efforts to comply with copyright law and University policies

4. Technology Based P2P Deterrents

   DOE regulations require that the university use at least one technology based deterrent to Illegal P2P file sharing. This section of the plan documents the deterrent (s) that ECSU is currently using to comply with DOE requirements. Eastern continuously monitors developments in the area of P2P deterrent technology. A formal review of this technology and update of this section of the plan occurs yearly.

   Technology Deterrent: Packet Shaping

   Current Methodology:

   - The packet shaper is regularly updated with known P2P traffic signatures (patterns). It is configured to block all traffic that includes a P2P signature.
   - The packet shaper is also used to block all internet traffic from all computers that have been identified as engaging in illegal file sharing. The Specific MAC and IP address associated with the computer is used to establish a 'rule' prohibiting the shaper from allowing traffic from this source to pass on to the internet.
   - The packet shaper monitors traffic levels from individual sources. Limits have been set to restrict traffic levels far below those typically associated with P2P activity.
   - The compliance document 'How Does Eastern Respond to Copyright Infringement Notices' details the University's response procedures to complaints from sources such as the DMCA.

   Planed Changes and Upgrades to Eastern's P2P Deterrent Technology:

   - Currently, the task of associating the IP address and time stamp provided by copyright protection organizations with the MAC address of a specific computer and the name of the owner of the computer is very time consuming for Eastern's staff. This inefficiency can be eliminated through the use of identity management software. This software can be used to register a computer for use on Eastern's network capturing the owners name and the MAC address of the unit. Thus, two of the three items in the linked chain would be immediately available to staff through a simple query of the identity management database. ECSU should implement this software as soon as possible.
   - A prerequisite for a useful identity management system and a second major P2P compliance related issue for Eastern is a lack of sufficient IP addresses. The shortage of addresses forces Eastern to use NAT protocol (Network Address Translation). This protocol allows a small number of public IP addresses to be shared by a large number of computers. Eastern must acquire more IP address. If available for use, IPv6 addressing would enable the University to implement an IP addressing scheme that supported an effective identity management system.

5. Annual Plan Review

   Under the direction of the CIO, the Campus Information Security Officer will conduct an annual review of this plan. Various members of the IT staff and other campus departments will participate in the plan review process.

A draft revision will be reviewed and formally approved in accordance with University procedures.