Illinois State University Digital Citizen Project

Processing DMCA complaints at Illinois State David Greenfield

Note: The following information was gathered based on process current during Spring 2006.

A complaint must be sent to <u>copyright@ilstu.edu</u> Any deviation requires the complainer to formulate their communication to Illinois State University via this means. This mailbox is continually monitored by five people:

- University Copyright Agent Dean of Libraries
- University Copyright Agent designee (for backup) Assoc Dean for Technical Services
- University Appropriate Use Co-Coordinator (assigned to copyright cases) Director of Student technology
- University Appropriate Use Co-Coordinator (for backup) Data Security Administrator
- Secretary assigned to Appropriate Use cases Computer Infrastructure Support Secretary

Upon a complaint received, the following process is utilized:

Step 1 – Copyright Agent

- Initial review
- If looks valid, no action at this time—allows process to continue. If needs to be held, contacts Appropriate Use Coordinator (who contacts Secretary) and puts on hold.

Step 2 - Secretary

- Translates complaint to HelpDesk ticket and assigns to Network Engineer
- Creates journal entry; emails to Apr Use Coordinator

Step 3 - Network Engineer

- Researches IP lookup (see Appendix 1) to find corresponding University Logon ID
- Updates HD ticket and assigns to Appropriate Use coordinator

Step 4 - Appropriate Use Coordinator

If no valid ID found

- Emails original complainer and indicates no ID found; requests further information. *If valid ID found*
 - Reviews case and consults Copyright Agent as needed
 - Constructs entry into master journal from Secretary data and HelpDesk ticket.
 - Searches for prior incidents from individual

Note: Follow sequence of 5a/6a/7a if first offense. 5b/6b/7b/8b if repeat or serious offense.

If first offens:

Step 5a – Appropriate Use Coordinator

- Writes communication letter with pertinent data, Illinois State policy information, etc and requests response (see Appendix B)
- Sends email to student
- Sends letter to secretary

Step 6a - Secretary

- Prints and sends letter via US Postal service
- Creates/update master file

Step 7a

- Appropriate Use Coordinator receives responses
- As needed: clarifies message, conferences with offender
- Updates HelpDesk ticket by closing it

If second or major offense:

Step 5b – Appropriate Use Coordinator

- Returns HelpDesk ticket to network engineer with instructions to turn off port
- Writes communication letter indicating offense, port shut down info, pertinent data, Illinois State policy information, etc (see Appendix C)
- Sends email to student
- Sends letter to secretary
- Fills out Student Judicial incident form and sends to office of Community Rights and Responsibility (Student Affairs)

Step 6b - Secretary

- Prints and sends letter via US Postal service
- Creates/update file

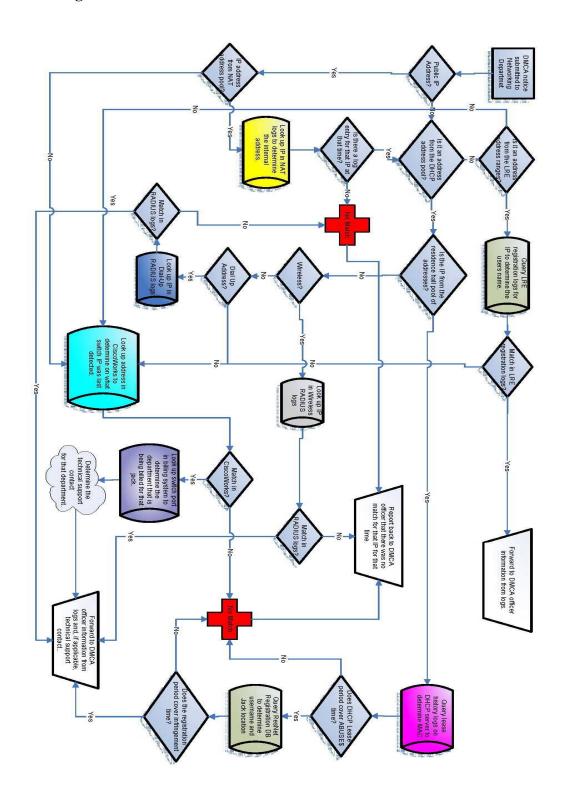
Step 7b – Student Affairs Office

- Receives complaint and contacts student
- Schedules interview with student
- Initiates punishment (many times assignment of research paper of topic relevance) or starts process for student hearing
- Conducts student hearing process if necessary
- Communicates with Appropriate Use Coordinator on final actions

Step 8b

- Appropriate Use Coordinator acts as resource to Student Judicial office
- Receives infraction information
- Initiates HelpDeskticket to Network engineer to reinstate port if agreed appropriate.
- Updates HelpDesk ticket by closing it

Illinois State University Digital Citizen Project – DMCA Process Appendix A – Network Engineer Process Flowchart



Illinois State University Digital Citizen Project – DMCA Process Appendix B – First offense basic letter template (warning)

To: XXXXXXX ULID: XXXXXXXX

From: David Greenfield, Appropriate Use Coordinator

RE: Copyright Infringement Notification

Date: XXXXXXX

Origination: XXXXXXXX

*****RESPONSE REQUIRED WITHIN 48 HOURS TO COPYRIGHT@ILSTU.EDU******

A copyright infringement notification has been received by Illinois State University. Your network communications data has been discovered by an external monitoring agency. You are advised to immediately remove any copyrighted materials from your computer which may be found in future discovery as you will be held liable for such materials. Further details are discussed below.

Through routine monitoring of machines on the Internet, including peer-to-peer services, organizations like the Motion Picture Association of America (MPAA) and the Recording Industry Association of America (RIAA) are able to detect material originating from the Illinois State University network which violates the exclusive copyright of their clients. An example of material that has been tracked to the computer registered with your ULID is copied at the end of this notice.

Whenever you upload or download music, movies, games, or other video files or share such with others for which you do not have copyright permission, you are infringing on that artist's copyright. Unless an artist/author has specifically stated on their website, CD, etc. that you may download, copy, and otherwise share music, movie, or other video files, you may assume that these works are protected under U.S. Copyright Law. The RIAA encourages you to look at the MUSIC Coalition's website at www.musicunited.org As a user of Illinois State University electronic resources, you have agreed to abide by our Appropriate Use Policy which states that all copyrights will be observed. (section 5 -
www.policy.ilstu.edu/fiscal/appropriate_use_policy.htm)

Please respond to this message within 48 hours and confirm via e-mail (reply to copyright@ilstu.edu) that you have taken the actions as prescribed by this letter. This includes the deletion and/or removal of any sharing of copyrighted file(s). Failure to respond within 48 hours of this notice may result in further disciplinary action per the Illinois State University Appropriate Use Policy. Failure to take action further increases your already exposed liability to external lawsuits (as other students have been sued for not complying with federal copyright laws). A paper copy of this notice will be sent to your campus mailing address for your records but you do not need to respond twice.

Example of infringing material(s) that has been traced to the Internet address registered in your name:
Infringement details:

Network: XXXX

IP Address: XXXXX
IP Port: XXXX
Protocol: XXXXX

List of infringing content:

XXXXXXX

Illinois State University Digital Citizen Project – DMCA Process Appendix C – Second or Serious offense letter template (port shut-down)

Memo

To: XXXXXX
ULID: XXXXXX

From: David Greenfield, Appropriate Use Coordinator

RE: Copyright Infringement/Port Disconnection Notification

Date: XXXXXX

Origination: ULID XXXXXX used MAC XXXXXX to activate jack XXXXXX in XXXXXX.

Original Notification: XXXXXX (tick XXXXXX) with acknowledgement recorded XXXXXX.

This note is to advise you that we have found you to be in violation of the Illinois State University Appropriate Use Policy. We have disabled your connection to the Internet. The University Copyright Agent has received additional notifications of illegal activity which has been identified to your network address and computer. Specifically, the following section was violated:

5.0 Copyrights and Intellectual Property

All members of the University community must observe intellectual property rights, which include software licensing. For those developing creative works, the author must follow the Intellectual Property Policy, published in the University Policies and Procedures Manual, to establish the appropriate protection.

If you need to review the entire policy, you may do so at the following web address: http://www.policy.ilstu.edu/fiscal/appropriate_use_policy.htm

Per violation procedure sections 8.3.2 Level II (Referral) and 8.4.4 Digital Millennium Copyright Act Compliance (DMCA) this incident is being referred to the Illinois State Student Dispute and Resolution Office (www.crr.ilstu.edu). You may contact them after 2 business days for more information on process and procedures. You may also contact my office at 438-8334 or that of the University Copyright Agent at 438-3481 although we will be able to provide limited information since the case has been referred.

For your information, the external complaint received is below:

[DMCA copy complaint in entirety]

Illinois State University Digital Citizen Project Appendix D – Estimated Cost of DMCA complaint processing

The following expenses are estimated based on the process described above by calculating staff hours (based on FY2006 salaries) and general approximations for computer/resource costs.

Based on Spring 2006 Semester

First offense

Cost of Staff Time	\$63.00
Computer Systems	\$11.00
Materials	\$2.00
Total	\$76.00

Second/Critical offense

Cost of Staff Time	\$73.00
Computer Systems	\$11.00
Materials	\$2.00
Student Judicial Process	\$60.00
Total	\$146.00