

Responsible Use Policy (RUP) and Copyright Infringement

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Responsible Use Policy: Background

- ◆ Developed by campus-wide committee and reviewed with constituents for two years
- ◆ Endorsed by computing advisory committees, Management Staff, ASI, Academic Senate
- ◆ Officially enacted in February 2001
- ◆ Consolidated existing policies and practices
- ◆ Informed campus about the policy via the web, publications, orientation sessions, and other processes (e.g., account requests)

Responsible Use Policy: Principles

- ◆ Applies to all users and systems
- ◆ Encompasses existing law, policy, compliance and enforcement practices
- ◆ Promotes individual responsibility and respect for others
- ◆ Respects academic freedom, intellectual property, privacy, free flow of information, and the law
- ◆ Reflects best practices in higher education

Responsible Use Policy: Principles

- ◆ Designed to be content and technology neutral in its application
- ◆ ITS VP/CIO is responsible for policy compliance and oversight
- ◆ ITS does not actively look for violations, but
- ◆ Will respond to complaints, system problems and irregularities, known security risks, and authorized campus investigations

Responsible Use Policy: Summary

IT resources are provided to support the University's mission of education, research and service.

To ensure that these shared and finite resources are used effectively to further the University's mission, each user has the responsibility to:

- ◆ Use the resources appropriately and efficiently
- ◆ Respect the freedom and privacy of others
- ◆ Protect the stability and security of the resources
- ◆ Understand and fully abide by established university policies and applicable public laws

Responsible Use: What's Covered?

- ◆ Authorized Use / Access
- ◆ Data Security, Confidentiality & Privacy
- ◆ Electronic Information Retention & Disclosure
- ◆ Network/System Integrity
- ◆ Commercial Use
- ◆ Political Advocacy
- ◆ Harassment
- ◆ Copyright and Fair Use
- ◆ Trademarks and Patents
- ◆ Electronic Communications
- ◆ Web Sites

Appendices provide a glossary of terms and specific examples of acceptable and unacceptable uses in key areas

IT Policies are officially published on the web at:
<http://www.calpoly.edu/computing/policy.html>

Copyright and Fair Use Provision

- ◆ Federal copyright law applies to all forms of information, including electronic communications, and violations are prohibited under this policy.
- ◆ Infringements include making unauthorized copies of any copyrighted material and displaying and distributing copyrighted materials over computer networks without the author's permission except as provided in limited form by copyright fair use restrictions.

Digital Millennium Copyright Act

- ◆ Exempts Internet Service Providers (including Cal Poly) from liability for copyright violations by their users if certain conditions are met
 - “passive conduit” and “online service” (websites)
 - liability for official content is greater
- ◆ Requires ISPs to register an agent with the U.S. Copyright Office to receive complaints
- ◆ Requires ISPs to remove access to infringing materials upon notice until the user removes the material or files a counter-notification
- ◆ Requires complaints to meet specific criteria

Typical IT-Related Copyright Issues

- ◆ Misuse of Cal Poly name/trademark
 - Attempts to associate Cal Poly with commercial or other non-University activities
 - Referred to University Legal Counsel for action
- ◆ Requests to use Cal Poly intellectual property
 - Generally granted with conditions, such as giving credit without appearing to endorse a product
- ◆ Fair use of copyrighted materials by faculty
 - Rely on Library expertise to make determination

Complaints Against Individual Users

- ◆ Complaints are increasing
 - 10 Remedy cases in Fall Quarter 2002
 - 70+ Remedy cases since January 1, 2003
 - Industry is targeting universities specifically, and routinely monitors the Internet for violators
- ◆ Isolated cases involving State computers
 - Some intentional, but mainly due to outsiders accessing unsecured faculty and staff machines
- ◆ Most violations occur in the Residence Halls
 - Students sharing music, movies, and software

Copyright and Peer-to-Peer Networks

- ◆ Why the Residence Halls?
 - Access to personal computers, high-speed network, other students, file swapping tools
- ◆ ResNET policy prohibits file serving, but analysis shows it to be a primary use (90%+)
- ◆ Traffic shaping is being implemented to minimize impact on legitimate academic uses
- ◆ Increased pressure from copyright holders to remove file sharing mechanisms as well as copyrighted material

Responding to Copyright Complaints

- ◆ Review the complaint to ensure it is valid
- ◆ Create Remedy ticket to track copyright complaints, violators and actions taken
- ◆ Refer to LAN Coordinator to disconnect the machine from the network and work with the user to remove the infringing materials
- ◆ Respond to complainant that action is being taken and material has been removed, but will not release name without a court order

Sanctions for Copyright Violations

- ◆ Temporary loss of network access
- ◆ Education for all first time offenders
- ◆ ResNET Judicial Process for Residence Hall first time offenders
- ◆ Stronger sanctions for repeat offenders, as determined by campus disciplinary process
- ◆ Individuals may be liable for criminal penalties if pursued by the copyright owner
- ◆ However, education is usually enough to prevent further violations

Education is Everything!

- ◆ Lack of understanding about
 - How peer-to-peer networks work
 - Security holes in operating systems/applications
 - Copyright laws and consequences
 - Potential impact on copyright holder
- ◆ Pervasive attitude among students and others that “file swapping” is acceptable behavior
- ◆ “If it’s on the Internet, I can take it.”
- ◆ “If everyone does it, how can it be wrong?”

It's the Law!

- ◆ Exceeding the posted speed limit is illegal
- ◆ Everyone does it, but the person who gets caught doing it will get a ticket

- ◆ Copyright infringement is illegal, so
- ◆ Until the law changes, ITS will act on valid complaints in compliance with DMCA and RUP

Copyright: Appropriate Uses

- ◆ A staff member is beta-testing software that can fix a problem on another staff member's machine. They contact the manufacturer and get permission to install the upgrade on the other person's machine which has a legally obtained copy of the current product installed.
- ◆ A student uses the same commands another person used to create a table on the web.
- ◆ A student posts photographs they took on their web page.
- ◆ A faculty member incorporates copyrighted materials in their course materials after first obtaining permission of the publishers of the materials.
- ◆ A faculty member distributes copies of a brief excerpt from a larger work in class and then retrieves the copies after class is over.

Copyright: Inappropriate Use

- ◆ A department buys a single license copy of a software product and installs it on all the workstations in a student computer lab.
- ◆ Extensive excerpts from a copyrighted work are distributed by e-mail or displayed on a web page without obtaining the permission of the author/publisher.
- ◆ Photographs or images taken from another web page without the owner's permission are displayed on a web page residing on or accessed via University resources.
- ◆ In violation of the manufacturer's license agreement, a faculty or staff member installs software purchased for departmental use on their home computer or allows students to borrow software to install on their home machines.
- ◆ A student redistributes copies of software, music or other digital materials via the Internet. The student may have legally obtained these materials but does not have permission to redistribute them to others.

Trademark

Appropriate:

- ◆ Displaying the Cal Poly logo on an "official" Cal Poly web page.

Inappropriate:

- ◆ Without obtaining permission in advance, a non-Cal Poly web site displays the Cal Poly logo, displays the Cal Poly home page design, or displays the University name in such a way as to imply University endorsement or affiliation.
- ◆ Without permission of the manufacturer, a user beta testing a new commercial software product loads it on a server and posts a message announcing that the software is available to anyone at that location.