

File Sharing at LSU

Louisiana State University (LSU) strives to protect the privacy of students, faculty and staff. However, downloading and sharing copyrighted material online without permission is unethical and illegal. The University has been faithfully complying with DMCA complaints and takes such complaints very seriously. LSU is dedicated to addressing and resolving issues of copyright infringement, as well as implementing preventative measures to insure proper use of peer-to-peer (P2P) applications on the campus network and within the residential housing network. As a result, the University continues to research technology based solutions and may implement additional tools to combat illegal P2P file sharing in the future. Although LSU Student Government provides legal music services for students through Ruckus Networks, the company unexpectedly went out of business on Saturday, February 7, 2009. LSU has not received any information regarding the company's closure. For more information, please see the following two links:

[http://www.washingtonpost.com/wp-](http://www.washingtonpost.com/wp-dyn/content/article/2009/02/07/AR2009020700684.html)

[dyn/content/article/2009/02/07/AR2009020700684.html](http://www.washingtonpost.com/wp-dyn/content/article/2009/02/07/AR2009020700684.html)

<http://www.techcrunch.com/2009/02/06/college-music-service-ruckus-shuts-down>

What is the Digital Millennium Copyright Act (DMCA)?

The Digital Millennium Copyright Act (DMCA) is legislation enacted by the United States Congress in October 1998 that made major changes to the US Copyright Act. These changes were necessary in part to bring US Copyright law into compliance with the World Intellectual Property Organization (WIPO) Copyright Treaty and the WIPO Performances Phonograms Treaty. The DMCA also strengthened the legal protection of intellectual property rights in the wake of emerging new information communication technologies.

The DMCA has five titles, or sections, with Title II having the most immediate impact on the LSU community. Title II outlines certain legal duties with which Online Service Providers (OSPs) must comply in order to limit their legal liabilities in the event a user of their service violates copyright laws. An OSP is defined as "an entity offering the transmission, routing, or providing of connections for digital online communications". For purposes of the DMCA, LSU is regarded as an OSP for users of the University information technology infrastructure.

According to the DMCA, an OSP is required to register an official agent with the US Copyright Office. This agent is the designated official to be notified by a copyright holder in the event of an alleged copyright infringement by anyone who's OSP is LSU. Brian Nichols, Chief IT Security & Policy Officer, is the registered DMCA agent for LSU.

The OSP is obligated to provide all users with reasonable access to information about the OSP's policies and standard procedures for dealing with copyright infringement notifications. The OSP is also obligated to inform users when their accounts and services will be terminated due to repeated violation of copyright or other intellectual property laws.

The copyright owner can choose to either send complaints through the OSP for action, or serve legal notice to the infringer directly. Pleading a lack of knowledge about copyright infringement laws will not excuse the user from legal consequences. It is the user's responsibility to be aware of these legal consequences. For this reason, LSU strongly encourages users to educate themselves about the current state of copyright law as it applies to file sharing over the Internet, and to keep up to date on changes to copyright legislation.

Preventative Measures

If you use file sharing programs such as Bearshare, Bittorrent, Edonkey, KaZaA, LimeWire, or Morpheus, you may be at risk.

Actions you can take to avoid copyright infringement:

- Ensure your file sharing program is not set to share files on your computer.
- If the program is set to share files, ensure that you have explicit permission from the copyright holders for sharing all of the files accessible to this application.
- Confirm that the distributor of a file you are interested in downloading has permission from the copyright holder to distribute it.
- For your own protection, you should assume that you do not have permission to download or distribute a file unless you have proof to the contrary. Check the Web sites of the musicians, record company, or movie studio involved to see if they allow distribution of their materials in this manner. When you purchase music, movies, games, etc., read the license carefully to learn if you have permission to convert the material to other formats for your own use, and whether or not you can share the material with others.
- Scan you computer with Ad-Aware or another spyware removal tool. When you install file sharing applications, many times you will inadvertently install spyware and/or adware, which can cause access problems to many LSU services.
- Download Ad-Aware or Spybot from TigerWare (they are listed under Security).

What happens if I receive a copyright infringement notice?

Downloading or distributing whole copies of copyrighted material for personal use or entertainment without explicit permission from the copyright owner is against the law. Copyright applies to materials such as music, movies, games, and other software in digital and analog format. File sharing applications such as KaZaA, Bittorrent, Edonkey, and LimeWire are not illegal, though many people using such applications share illegal materials, and don't have permission to distribute them. When you download a copy of one of these illegally distributed files to your own computer, even if you download only one song, you are committing an illegal action. In addition, purchasing a music CD generally does not give you the right to distribute or share the songs on it.

While LSU does not actively search for instances of copyright violation, investigations into degradation of service and network problems, as well as routine security administration can expose violations. In such cases, the University is obligated to investigate, just as it is for complaints of illegal activities or inappropriate use taking place on the LSU network. Copyright owners do actively search for copyright infringements of their works using the procedures outlined in the Digital Millennium Copyright Act (DMCA) and send notices to the online services provide hosting the user.

When LSU receives such a complaint or discovers a violation via other means, the University is legally required to remove the offending material from the LSU network. As a result, LSU disables the network access of the implicated person immediately upon receipt of the copyright owner's notice. Access to the LSU network is not re-enabled until it is confirmed that all copyrighted materials for which you do not have permission to possess or share have been

deleted from your personal computer. If this is your second or third copyright violation notice, you are referred to the appropriate disciplinary office. For students, this is the Office of the Dean of Students; for staff, this is a Department Head and Human Resource Management.

In addition to sending complaints to LSU, copyright owners may also take direct legal action against alleged infringers, and subpoena the University for information about people sharing files. The No Electronic Theft (NET) Act provides for serious criminal penalties, including a fine of up to \$250,000 and a potential jail sentence. Lack of knowledge about copyright infringement laws will not excuse you from legal consequences, or from action by the University. It is your responsibility to be aware of the legality of your actions.

Please see PS-06.05 (PS-107) entitled "[Computer Users' Responsibilities](#)" for additional information on copyright law.

Related Organizations:

- [Electronic Frontier Foundation \(EFF\)](#)
- [Motion Picture Association of America \(MPAA\)](#)
- [Recording Industry Association of America \(RIAA\)](#)
- [Respectcopyrights.org](#)
- [Slyck Forums](#)
- [Zeropaid.com](#)

Acknowledgements: Indiana University, IT Policy Office