

The University of Texas at El Paso

**COPYRIGHT
INFRINGEMENTS**



Information Security Office

What is a Copyright Infringement

- A copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under Section 106 of the Copyright Act (Title 17 of the United States Code)
- Illegally reproducing, sharing, or distributing a copyrighted work.



How Do Infringements Affect UTEP

- Under the HEOA Section 493, “...institution must certify that it has developed plans to effectively combat the unauthorized distribution of copyrighted material and will, to the extent practicable, offer alternatives to illegal downloading or peer-to-peer distribution of intellectual property...”
- Failure to comply may lead to loss of Title IV funding

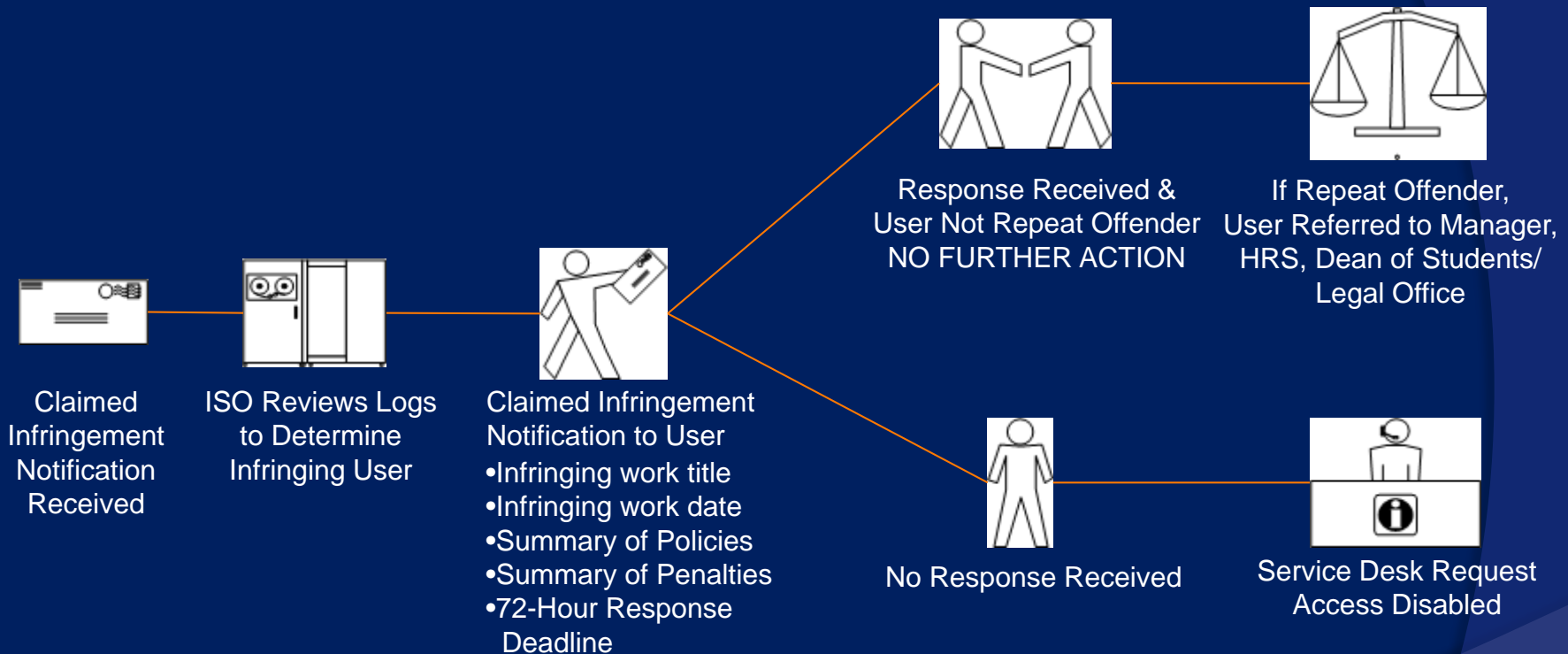


Process for Tracking Infringements

- Notification of Copyright Infringement Received
- Comparison of IP Address & Date/Time reported is linked to specific user by analyzing logs
- Email Notification Sent to User
 - Infringing work title, date/time captured on network
 - Summary of policies and penalties
 - 48-72 hour deadline to respond
 - If response received, no further action required
 - If no response received, access is disabled



UTEP Process Diagram



What is Peer-to-Peer (P2P) File Sharing

- A distributed application architecture that partitions tasks or workloads between peers who are equally privileged, equipotent participants in the application¹
- A technology which enables millions of computer users world-wide to find and trade digital files
- Users are able to scan the hard drives of millions of people and download content without knowing the client identity or location

¹ <https://en.wikipedia.org/wiki/Peer-to-peer>



ISO Provides Security Awareness



- Yearly Bulletin Notification
- Yearly Institutional Compliance Training for employees
- Bulletin Notification when infringements are on the rise
- Tailored Presentations



Summary of Penalties

for Violation of Federal Copyright Laws

- Civil Penalties

- “In General”-may be ordered to pay either actual or “statutory” damages affixed at not less than \$750 and not more than \$30K per work infringed
- “Willful”-court may award up to \$150K per work infringed; may assess costs & attorneys’ fees

- Criminal Penalties

- “Willful”-may include imprisonment of up to 5 years and fines of up to \$250K per offense.

Title 17, United States Code, Sections 504, 505



Summary of Penalties

for Violation of UTEP Copyright Policies

- The University of Texas at El Paso Penalties
 - Loss of UTEP Information Resource access privileges
 - Disciplinary action for employees, up to and including termination of employment
 - Referral to the Office of Student Conduct and Conflict Resolution, potential suspension/expulsion for students
 - Potential civil and criminal penalties

UTEP Information Security Policies



Information Security Office

Major ISPs Sign Voluntary Agreement with Movie and Music Businesses

- ISPs agree to “six strikes” copyright enforcement plan
 - AT&T
 - Verizon
 - Comcast
 - Cablevision
 - Time Warner Cable
- ISPs commit to forward notices to subscribers – one-way notification process
- “...temporary reduction of Internet speeds, redirection to a landing page until the subscriber contacts the ISP...responds to some educational information...or other measures that the ISP may deem necessary...”²

² <http://arstechnica.com/tech-policy/news/2011/07/major-isps-agree-to-six-strikes-copyright-enforcement-plan.ars>



How Do I Find Out More?

- U.S. Department of Education
 - <http://www2.ed.gov/policy/highered/leg/hea08/index.html>
- U.S. Copyright Office
 - <http://www.copyright.gov/help/faq>
- The Digital Millennium Copyright Act of 1998
 - <https://www.copyright.gov/logislation/dmca.pdf>
- UTEP Information Resources Use and Security Policy
 - <http://admin.utep.edu/Default.aspx?tabid=63604>
- UTEP Copyright Laws and Policies
 - <http://admin.utep.edu/Default.aspx?tabid=64801>

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