



## **Part 1: The Plan to Effectively Combat Copyright Infringement**

As both a producer and a consumer of intellectual property, The Ohio State University respects the rights of copyright holders. OSU and its Office of Student Life have undertaken a number of proactive steps to educate students and other network users about copyright and to combat unauthorized file-sharing and copyright infringement.

### **1.1 Link to relevant web page(s)**

OSU resource(s):

<http://ocio.osu.edu/policy/policies/copyright-resources>

Responsible use of university computing and network resources (copyright):

<http://ocio.osu.edu/policy/policies/responsible-use>

Safe Computing

<http://ocio.osu.edu/itsecurity/buckeyesecure>

Virtual Legality

<http://ocio.osu.edu/policy/policies/responsible-use/virtual-legality>

### **1.2 What technology-based deterrent(s) have you decided to use?**

Student Life utilizes access control lists (ACL network technology) to block all ports used by well-known and frequently-used P2P software such as Bit Torrent. Student Life also blocks all inbound TCP (transmission control protocol) connections.

Student Life IT has also created a custom application that is used to gather and retain copyright infringement data. This database can be queried and reports generated to evaluate effectiveness and identify repeat offenders for further educational or disciplinary steps.

### **1.3 What mechanisms are you using to educate your community?**

Student Life provides written materials to parents and incoming students educating both about unauthorized file-sharing and legal alternatives.

Student Life IT Support Center staff are trained to provide additional education and counseling via the phone and in person. This information is generally provided in response to phone calls received after a student has been notified of an alleged infringement.

Student Life does an annual poster campaign in the residence halls to educate residential students about unauthorized file sharing and copyright infringement.

Links to external sites on P2P and copyright

<http://ocio.osu.edu/policy/policies/responsible-use/virtual-legality/#copyright>

#### **1.4 What procedures are you using for handling unauthorized distribution of copyrighted material?**

If OSU receives a “Notice of claimed Infringement” from a copyright holder, a warning letter is sent to the individual informing them of this fact. If Student Life is notified,

Student Life initiates an automated process that does the following:

- a. Generates a personalized e-mail, which is sent to the student, containing notification of the infringement as well as a copy of the original notice.
- b. Redirects the student’s computer to a special web page (computer is blocked from any other page on the Internet); student must agree to abide by the university’s acceptable use policy before release.
- c. Repeat offenders are sent additional personalized email containing information about how they may have violated the policy, what they need to do to comply, and what the consequences of further non-compliance are. These students will get further information and instructions from a Support Center Manager or Lead Staff, and may set up an appointment for assistance in the removal of file sharing software.
- d. Repeat offenders who live in residential housing are referred to the residence hall director for follow up and appropriate sanctions in accordance with the Code of Student Conduct (the “Code”). If a student does not currently live in a residence hall then he or she is referred to the Office of Student Judicial Affairs for follow up and appropriate sanctions in accordance with the Code. Examples of sanctions under the Code include mandatory education; written assignments pertaining to illegal file sharing; exclusion from the residential network and additional sanctions up to and including suspension or dismissal from OSU as warranted.

#### **1.5 How are you periodically reviewing the plan? What criteria are you using to determine if it is effectively combating copyright infringement?**

The university logs incidents and periodically reviews trends of alleged copyright infringements to identify repeat offenders and assess the overall effectiveness of the plan.

Student Life IT has created a custom application that is used to gather and retain copyright infringement data. This database can be queried and reports generated to evaluate effectiveness and or identify repeat offenders for further educational or disciplinary steps. Student Life IT reviews the data on a quarterly basis and takes appropriate action.

## **Part 2: Offering Legal Alternatives**

The University strives to identify viable alternatives to unauthorized file-sharing and broadly disseminates information regarding available alternatives.

### **2.1 Link to relevant web page(s)**

OSU resource:

<http://ocio.osu.edu/policy/policies/responsible-use/virtual-legality/#copyright>

Link to EDUCAUSE (Legal downloading resource page)

<http://www.educause.edu/Resources/Browse/LegalDownloading/33381>

### **2.2 Are you carrying out your own survey of alternatives or linking to one or more lists maintained by others? If the latter, which list(s)?**

OSU links to the list of legal downloading resources provided by EDUCAUSE:

<http://www.educause.edu/Resources/Browse/LegalDownloading/33381>

Student Life communicates alternative legal downloading sites for movies, music, etc. in its orientation materials and on the ResNet and housing websites.

### **2.3 Have you made any special arrangements with one or more content providers to obtain content through legal methods?**

OSU has not made any special arrangements of this type.

## **Part 3: Educating and Informing the Community**

OSU endeavors to educate and inform the members of its academic community about copyright and the responsible use of university computing and network resources.

### 3.1 Link to relevant web page(s)

OSU resource(s):

<http://ocio.osu.edu/policy/policies/copyright-resources>

Responsible use of university computing and network resources (copyright):

<http://ocio.osu.edu/policy/policies/responsible-use/virtual-legality/#copyright>

Student Life communicates alternative legal downloading sites for movies, music, etc. in its orientation materials and on the ResNet and housing websites.

### 3.2 Have you developed your own statement regarding copyright and copyright law in general or are you linking to such statements maintained by others? If the latter which statements?

OSU policy: <http://ocio.osu.edu/policy/policies/copyright-resources>

Student Life provides written materials to parents and incoming students educating both about unauthorized file sharing and legal alternatives

## Part 4: Summary of Civil and Criminal Penalties for Violation of Federal Copyright Law

Student Life publicizes the following copyright infringement notices in publications, notices, and on the student housing website:

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). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

For more information, please see the Web site of the U.S. Copyright Office at <http://www.copyright.gov>, especially their FAQ's at <http://www.copyright.gov/help/faq>.