



Copyright Infringement Response Policy

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Pages: 2

I. Purpose

The purpose of this policy is to establish standards for complying with the Digital Millennium Copyright Act (DMCA) of 1998 and the Copyright Act of 1976. These two acts represent federal law that is designed to protect copyright holders from online theft—that is, from the unlawful reproduction or distribution of their works. The Acts covers music, movies, text and anything that is copyrighted. The DMCA requires Universities to take down or block access to copyrighted materials in a timely fashion when notified that subscribers are sharing copyrighted files across their network.

II. Applicability

This policy applies to all persons who have access to any Wilkes system or has access to the Wilkes network.

III. Policy

Upon receipt of a legally submitted notice, as defined in Section 512 of the DMCA, Information Technology Services (IT Services) will act immediately to comply with the DMCA's safe harbor for Internet Service Providers provision. These actions shall collectively be referred to as "compliance measures" and may include any of the following:

- Disabling access to the Wilkes network from the cited computer.
- Disabling access to any Web site(s) or online storage space(s) cited.
- Removal of any directory listings, such as web links, to the allegedly infringing works.
- Any other action necessary with respect to "blocking or disabling access to the alleged infringing works" as required under the DMCA Section 512.

Upon enacting "compliance measures", IT Services will identify the source of the alleged infringement and take appropriate actions to ensure that the illegal acts do not continue.

Unless served with a subpoena as required under the DMCA, the University will not release the names of (or any personal information about) subscribers in the process of servicing a DMCA notice.

IV. **Responsibilities**

When a complaint is received, IT Services will track down the location of the infringement, and disable network access for that location or device. IT Services will attempt to identify the owner and inform him or her of the reason for this action. The owner will be given the opportunity to refute or admit to the infringement. Violators are instructed to cease sharing all copyrighted materials and are issued a warning that the behavior is a violation of the AUP for computing (as well as federal law). For student violations the Office of Student Affairs is notified. For faculty and staff violations are referred to deans, department heads and/or department chairs.