

# DMCA and HEOA Policy Statement



## Audience

Faculty, Staff and Students of the University of Missouri – St. Louis (UMSL)

## Policy Statement

The University of Missouri – St. Louis believes in the protection of the rights of copyright holders and complies with the Digital Millennium Copyright Act and H.R. 4137, the Higher Education Opportunity Act Peer-to-Peer File Sharing Requirements.

## Definitions

### DMCA

The [Digital Millennium Copyright Act](#) (DMCA) of 1998 is a federal law that is designed to protect copyright holders from online theft — that is, from the unlawful reproduction or distribution of their works. The DMCA covers music, movies, text and anything that is copyrighted. Some possible examples are found below.

You could violate federal copyright law if:

- Somebody e-mails copyrighted material to you and, in turn, you forward it to one or more friends.
- You make an MP3 copy of a song from a CD that you bought (purchasers are expressly permitted to do so) but subsequently make the MP3 file(s) available on the Internet using a file-sharing network.
- You join a file-sharing network and download unauthorized copies of copyrighted material you want from the computers of other network members.
- To gain access to copyrighted material on the computers of other network members, you pay a fee to join a file-sharing network that is not authorized to distribute or make copies of the copyrighted material. You then download unauthorized material.
- You transfer copyrighted material using an instant messaging service.
- You have a computer with a CD burner that you use to burn copies of music you have downloaded onto writable CDs which you then distribute to your friends.

### HEOA (Peer-to-Peer Requirements)

[H.R 4137, the Higher Education Opportunity Act](#) (HEOA), is a reauthorization of the Higher Education Act. It includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing. These provisions include requirements that:

1. Institutions make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.
2. Institutions certify to the Secretary of Education that they have developed plans to “effectively combat” the unauthorized distribution of copyrighted material.
3. Institutions, “to the extent practicable,” offer alternatives to illegal file sharing.
4. Institutions identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials.

# Guideline and Procedures

The DMCA requires network managers to take down or block access to copyrighted materials in a timely fashion when notified that their customers are sharing copyrighted files.

Complaints typically arrive directly from software, music and motion picture associations, copyright holders and law firms. Information Technology Services disables network access for the listed device and attempts to identify the owner to inform him or her about the complaint. **If the owner believes the complaint to be inaccurate, they will be given the opportunity to contest the finding when they meet with Student Affairs or their Department.**

When UMSL receives a DMCA infringement notice the following steps are taken:

- Network Security Administrators verify that the notice is plausible through traffic and log analysis.
- Attempts to notify the owner of the system from the DMCA complaint are made.
- Departmental Supervisors or Student Affairs are notified.
- Network access from the system is blocked and documented in the ITS trouble ticket system. Users may still access the UMSL campus resources through other campus or lab systems.
- Network access is then restored on the direction of Departmental Supervisors or Student Affairs.

To comply with H.R. 4137 the Higher Education Opportunity Act, UMSL takes the following actions.

1. Every fall semester an email is sent to all students informing them of this policy. And the following statement will be placed in the Student Planner.
  - The Digital Millennium Copyright Act (DMCA) is a federal law to protect copyright holders from the unlawful online reproduction or distribution of their works. The DMCA covers all copyrighted material including music, movies and text. In addition to University penalties, students who violate the DMCA may be subject to serious civil and criminal penalties. For more information please visit: <http://www.umsl.edu/technology/security/dmca.html>.
2. The University utilizes technology to effectively block and identify unauthorized use of peer-to-peer file sharing programs or the sharing of copyrighted materials.
3. The University posts links to websites with information on methods to obtain copyrighted materials legally.
4. UMSL ITS continually monitors network traffic. Any changes in the amount of peer-to-peer traffic or DMCA complaints will be documented and action taken through technology or procedures.

More details about DMCA at UMSL can be found at the following website.

<http://www.umsl.edu/technology/security/dmca.html>.

## Original Issue Date

May 2010

## Revision Date