

# **Arkansas State University Copyright Infringement Procedure**

## **Background**

Copyright enforcement of digital/electronic material is protected by federal statute, primarily the Digital Millennium Copyright Act (DCMA). Under the DCMA, copyright owners may submit infringement notices to alleged offenders of the act and pursue further legal action should they so choose.

Arkansas State University receives copyright infringement notices via University Legal Counsel. Plaintiffs (copyright owners or their agents) submit infringement notices electronically through a published email address.

## **Procedure**

The notices generally include the copyrighted media title, the IP address, and the time-stamp of the recorded infringement.

Once notices are received through Legal Counsel, central IT resolves the IP address and time-stamp to the registered owner of the offending computer, and provides notice to of the alleged infringement. The infringement notice must be served within 24 hours.

The accused has 10 days from the date of the report received by the university to remove the copyrighted material or to submit a counter-notification setting out that no copyright infringement has occurred due to fair use, license, or other acceptable explanation.

If the institution gives proper notice to the alleged infringer, the university has a "safe harbor" from prosecution under the Act.

Users at Arkansas State University are provided with a written notification on the first reported offense. A second offense causes network and Internet access to become suspended until the matter is resolved through appropriate disciplinary channels, depending on the role of the accused (faculty, staff, or student).

The following notice is provided to the accused from the University on the first offense.

Dear Account Holder,

Arkansas State University has received notice that you have violated the Digital Millennium Copyright Act by downloading protected materials. A copy of the notice is enclosed at the bottom of this message.

Within ten (10) working days, you must respond to this e-mail by either (1) confirming that the offending materials have been removed from your computer or (2) filing a counter-notification asserting that your use of the identified materials does not violate copyright laws. Your failure to respond to this notification within the prescribed time period will be treated as an admission of wrongful downloading in violation of the law and the Arkansas State University Appropriate Use Policy. Upon failure to respond to this notification, you are subject to legal action filed against you by the copyright owner.

A repeat offense will result in suspension of network access and referral for appropriate discipline.

Sincerely,  
Information Technology Services  
Arkansas State University