

# UNIVERSITY of HOUSTON | UIT

## ADDRESSING ILLEGAL FILE SHARING

### **Overview**

The University of Houston has been engaged and actively addressing the issues of illegal file sharing and copyright infringement since 1998 when the Digital Millennium Copyright Act (DMCA) was enacted by Congress. UH has taken an aggressive approach to illegal file sharing as copyright violations are not only a legal matter but also an academic/social issue to the University of Houston, an institution that values the intellectual property of individuals and organizations. In addition, illegal file sharing impacts the technology infrastructure of the university from a performance as well as a security perspective.

### **A Multi-Faceted Approach**

Recognizing the need and adopting best practices, the university in 2001 enacted the four strategies below to address illegal file sharing.

1. Implemented technology solutions to block illegal file sharing
2. Created of awareness through education
3. Began investigating and disciplining copyright violators
4. Provided legal alternatives

### **Effectiveness**

Over the past decade, the program has been successful as measured by number of verified copyright infringement reports we have received. In addition, UH – unlike other universities – has not been sued by the industry groups that monitor illegal file sharing activity. As the sophistication of illegal file sharing software has increased we have seen increases in attempts to share files and reported violations of copyrights. We are currently upgrading our detection and blocking tools to address the new generation of illegal file sharing.

### **Current Developments – The Higher Education Opportunity Act (HEOA)**

The Higher Education Opportunity Act (HEOA) of 2008 introduces new requirements to address the issue of unauthorized distribution of copyrighted material.

*The strategies implemented by the University of Houston over the past decade make us in full compliance with the Act.*

***In summary, the Act stipulates that each institution must:***

## **Use technology-based deterrents**

The University of Houston uses several technologies to track down copyright violations. Historically, UH has employed packet shaping and band width monitoring to limit and find illegal file sharing systems. Currently, we review and correlate logs collected to assist in finding violators. Once found, the violator is informed of his infraction and notified of his responsibility to cease and desist. In the Fall of 2010, the University of Houston will be implementing a new technology tool (Red Lambda Integrity software) to aid in this effort.

## **Have policies in place**

The University of Houston prints and distributes its Student Handbook yearly to all faculty, staff and students. Included in the handbook is the university's policy on Copyright Laws. This section refers to the University of Houston System Administrative Memoranda (SAM) Number: 07.A.04 Digital Millennium Copyright Act. This is the official policy for the University of Houston System. To better inform students as to the consequences, a change in language is planned for the next edition of the Student Handbook.

## **Conduct Educational Programs**

The University of Houston offers the Computer Security Awareness Training for Students (CSATS) program. This program is designed to ensure students are aware of computer security issues including illegally downloading music. The program also provides information about how to download music and other copyrighted information safely and legally without violating the Digital Millennium Copyright Act (DMCA). The handout material for the students includes a listing of sites where students can legally download music and other copyrighted material.

## **Have a procedure for handling reports of copyright infringement including disciplinary procedures.**

All reports of illegal file sharing and/or copyright infringement are investigated by the university's information security group. If warranted, the Dean of Students Office or the Human Resources Department is engaged in disciplinary action.

## **Have procedures in place to periodically review the effectiveness of the approaches being used**

The effectiveness of this program is reviewed monthly by the University Information Technology Information Security Group. This is a Key Performance Indicator (KPI) for that group. In addition, monthly reports are made to the State of Texas Department of Information Resources and the outcome of this program is included in the Annual Information Security Report which is reviewed by the senior leadership of the university.

## **Have legal Alternatives for the Students to use**

The University of Houston not only provides a list of legal alternatives in our policy and education programs but we also provide convenient access through our iTunesU service.

***For Further Information***

University of Houston  
Dean of Students Office  
**2009-2010 Student Handbook**

Copyright Laws  
[www.uh.edu/dos/pdf/2009-2010StudentHandbook.pdf](http://www.uh.edu/dos/pdf/2009-2010StudentHandbook.pdf) (page 79)

**UH Copyright and Illegal File Sharing Information and Plan**  
[www.uh.edu/dmca](http://www.uh.edu/dmca)

University of Houston System  
**System Administrative Memoranda Number: 07.A.04**  
Digital Millennium Copyright Act  
[www.uhsa.uh.edu/sam/7InfoServices/7A4.pdf](http://www.uhsa.uh.edu/sam/7InfoServices/7A4.pdf)

**Computer Security Awareness Training for Students Project (CSATS)**  
[www.uh.edu/infotech/csats/](http://www.uh.edu/infotech/csats/)

*If you have questions regarding this information, please contact Mary Dickerson ([mdickerson@uh.edu](mailto:mdickerson@uh.edu)), Chief Information Security Officer for UH and UHS or Dennis Fouty ([dfouty@uh.edu](mailto:dfouty@uh.edu)), Associate Vice Chancellor/Vice President for Information Technology for UH and UHS.*

**NEW LANGUAGE FOR THE STUDENT HANDBOOK AND OTHER EDUCATIONAL MATERIALS**

**COPYRIGHTS AND COPYRIGHT INFRINGEMENT LAWS**

The U.S. Copyright Law (Title 17 U.S. Code) details copyright infringement, which is the act of reproducing or distributing a copyrighted work, without permission or legal authority of the copyright owner. Illegal downloading or uploading of music, movies, software or any substantial part of a copyrighted work without authority constitutes an infringement.

Anyone found liable for copyright infringement may be ordered to pay civil and criminal penalties. In civil court, either actual damages or "statutory" damages no less than \$750 and no more than \$30,000 per copyrighted work. For "willful" infringement, a court may award up to \$150,000 per copyrighted work. 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 details, see Title 17, United States Code, Sections 504, 505.

In accordance with established university policy, the University of Houston will follow U.S. Copyright Law (Title 17 U.S. Code) in dealing with allegations or violations of copyright infringement. These actions may also result in being charged with violations of the student disciplinary code, which could lead to expulsion from the University, termination of employment and/or legal action by the University of Houston.

For more information about the University of Houston System Policy on the Digital Millennium Copyright Act, visit <http://www.uhsa.uh.edu/sam/7InfoServices/7A4.pdf>.

For more information about copyrights, visit the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), and especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).