



*University Community (faculty, staff and students) and Users of University's IT Resources
(e.g., consultants, vendors, etc.)*

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
DIGITAL MILLENNIUM COPYRIGHT ACT POLICY	August 30, 2007	1930.010

POLICY STATEMENT (R*)

No users of the University's IT Resources shall download, upload, or distribute in any fashion, copyrighted material in any form except as permitted under copyright law.

The University may use the Digital Millennium Copyright Act (DMCA) process for handling allegations of copyright violations within the University's domain in those instances in which the University is a content-neutral Internet service provider (ISP).

REASON FOR POLICY (O*)

The purpose of this policy is to implement University practices that abide and conform to the Federal Law governing the copyright of digital resources as defined in the Digital Millennium Copyright Act of 1998, 105 PL 105- 304, including the activities involving the download, upload, or distribution of copyright protected digital material in any fashion, electronic data, information, voice, video and software by University computer system users on University computer systems.

The University is considered a content-neutral Internet service provider (ISP) for those web sites or on-line materials over which the University has no editorial responsibility or control which are found within the FIU domain -- signified by the address "fiu.edu" or within the range of Internet protocol addresses assigned to Florida International University. Such sites include, but are not limited to, the web pages or other on-line materials of individual faculty members or students, individual class sites and materials, and the web pages or on-line materials of student organizations and other organizations not formally a part of the University.

- PROCEDURES (O*)**
- A. Notice of a claimed infringement of the DMCA must be made in writing (either electronic mail or paper letter) and include the following:
1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
 2. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.
 3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.
 4. Information reasonably sufficient to permit the University's Designated Agent to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
 5. A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
 6. A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

- B. If the notice substantially conforms to these requirements, the University will notify the page owner of the allegation of infringement and will secure from the page owner the voluntary take-down of the work or, in the alternative, the University will disable access.
- C. After the page owner voluntarily takes down the page or the University arranges to disable access to it, the University may receive a substantially conforming counter-notification from the page owner.
- D. Counter-notices can only claim two things: (i) that the copyright owner is mistaken and that the work is lawfully posted or (ii) that the work has been misidentified. A page owner may assert that a use of another's work qualifies as a fair use and so the copyright owner is "mistaken" in characterizing it as infringing.
- E. Counter-notices from page owners must contain the following:
1. A physical or digital signature of the page owner;
 2. A description of the material removed and its location before it was removed;
 3. A statement that the page owner believes in good faith that the material was removed by mistake or because it was misidentified;
 4. The page owner's name, address and phone number and his or her consent to jurisdiction of the Federal District Court for that address or any Federal District Court if the address is foreign; and
 5. A statement that the page owner will accept service of process from the complainer.
- F. Under the DMCA, the University will not be liable to the owner of the page for any harm he or she might suffer because of its actions in disabling access to a page so long as it:
- Takes reasonable steps to notify the page owner about the allegations in a conforming notice that it has received;
 - Promptly sends a copy of any substantially conforming counter-notice to the complainer indicating that it will restore access in 10 business days; and
 - Restores access to the allegedly infringing work within 10 to 14 business days after the day it receives the counter-notice, unless it first receives a notice from the complainer that he or she has filed an action seeking a court order to restrain the page owner.
- G. If the University receives notice that the complainer has filed an action seeking a court order to restrain the page owner, the University will not repost the allegedly infringing work. It will forward the notice to the page owner and to the Office of the General Counsel for response as appropriate.

The University encourages any individual who is concerned about the use of copyrighted material on the University network or domain to contact the agent designated by the University to respond to reports alleging copyright infringement.

RESPONSIBILITIES (O*)

Pursuant to 37 CFR 201.38, the University's Designated Agent to receive notification from copyright owners of claimed infringement of copyright is:

IT Security Office
 Division of Information Technology
 Florida International University
 11200 SW 8th Street, PC534A
 Miami, Florida 33199
 Telephone: (305) 348-1366
 Facsimile: (305) 348-7600
 E-mail: dmcaagent@fiu.edu

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Division of Information Technology
Florida International University

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

IT Security Office
Division of Information Technology
Florida International University
11200 SW 8 Street, PC534A
Miami, FL 33181
Telephone Number: (305) 348-1366

The University Policies and Procedures Library is updated regularly. In order to ensure a printed copy of this document is current, please access it online at <http://policies.fiu.edu/>.

For any questions or comments, the “Document Details” view for this policy online provides complete contact information.

***R = Required *O = Optional**