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UCI Fall 2003 Copyright Letter to Faculty and Staff

Date: Wed, 17 Sep 2003 18:24:44 -0700
From: William Parker and Michael Arias
To: "All UCI Faculty and Staff"
Subject: UCI Commitment to Copyright Law

We are alerting the campus community -- students, faculty and staff -- to the personal risks involved with illegal file-sharing. It is important that you understand these risks not only because of the possibility of disciplinary action, but also to protect against criminal prosecution and the initiation of civil litigation by copyright holders. We would like you to be aware that initiation of legal action by copyright holders is becoming more likely.

Last April, Vice Chancellor Gomez sent a letter on this topic to all students. A similar letter is being sent this fall. We are sending this letter to all faculty and staff to ensure you are also properly informed of the seriousness of the copyright issue.

Though trading of copyrighted music, movies, games and software over the Internet has become commonplace using file-sharing programs such as KaZaa or Morpheus, it is often not legal to do so.

Making copies of copyrighted materials over the network is legal only with the consent of the copyright holder or when such copying can be classified as "fair use" according to a somewhat complex set of legal criteria (see references below).

Violation of US copyright law is punishable with civil and criminal penalties including monetary damages and possibly prison time. When copyright holders resort to legal actions, there is little the University can do to protect copyright infringers.

Some believe that "recreational file-sharing" is unlikely to be noticed. This is not the case. Copyright holders are significantly intensifying enforcement using automated scanning software to identify infringements, no matter how small. Last spring, several individuals at institutions other than UCI escaped more serious financial penalties only by paying settlements amounting to tens of thousands of dollars. Since then, copyright holders have become even more vigorous in seeking out those who do not respect their copyrights.

As the Internet Service Provider to the campus community, UCI receives infringement claims every month. In compliance with the 1998 Digital Millennium Copyright Act and University of California policies, UCI expeditiously takes action when notified of infringing sites located on the campus network. All of these incidents are referred to the appropriate campus officials, and appropriate disciplinary actions are taken against those who are downloading or serving copyrighted materials without appropriate permission. While the great majority of these incidents involve student-owned computers, a significant fraction involve university systems. The problem is far from being a students-only situation.

Because most file sharing programs install themselves with world wide sharing enabled by default, any system with such software installed can easily be sharing materials with the world without the user(s) of the system being aware of this. In addition to violating the rights of copyright holders, programs configured this way can seriously compromise the security of the computer system on which they are installed.

Of course, there are legitimate applications of file-sharing software and networks, and research on such peer-to-peer applications is expanding in the academic community. We will ensure that such inquiry remains unimpeded and balance all needs fundamental to our institution.

If you have questions about these issues, please contact Steve Franklin of NACS (franklin@uci.edu), who serves as UCI's DMCA coordination point. Several good copyright references are included below as well.

William H. Parker

Vice Chancellor of Research, Dean of Graduate Studies

Michael Arias

Assistant Executive Vice Chancellor

1. UCI Computer and Network Use Policy

<http://www.policies.uci.edu/adm/pols/714-18.html>

2. For an introduction to the issues involved in the legal meaning of "fair use" and see "Copyright Guidelines: Intellectual Property Rights and Fair Use Rules of Thumb for Humanities Faculty entering the Web"

<http://www.humanities.uci.edu/humanitech/copyright/copyright.html>

3. University of California Copyright Web Site

<http://www.universityofcalifornia.edu/copyright>

4. Digital Copyright Protection at the University of California

<http://www.ucop.edu/irc/policy/copyright.html>

Updated: January 21, 2010

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