

## UCI's Commitment to Copyright Law

### Letter to all Faculty and Staff

### January 2005

Letter to All Faculty and Staff regarding  
UCI's Commitment to Copyright Law

To: UCI Community  
From: William H. Parker - Vice Chancellor of Research, Dean of Graduate Studies  
and Michael Arias - Assistant Executive Vice Chancellor

January 13, 2005

We are again 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 to protect against criminal prosecution and the initiation of civil litigation by copyright holders. Not only has legal action by copyright holders become more likely, but recent legislation also imposes serious criminal penalties for "file sharing" copyright violations.

This year, as in previous years, Vice Chancellor Gomez has sent a letter on this topic to all students. While most allegations of copyright infringement relate to student-owned systems, a significant number refer to systems under the control of faculty or staff. In some cases, illegal activities on these systems are the result of inadequate security and happen without the knowledge of the person responsible for the system.

Though trading of copyrighted music, movies, games and software over the Internet has become commonplace using file-sharing programs such as KaZaa or BitTorrent, 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 have significantly intensified enforcement using automated scanning software to identify infringements, no matter how small. Private legal action has resulted in substantial payments by individuals. Recent legislation imposes serious criminal penalties for "file sharing" copyright violations. In addition, activities at colleges and universities are coming under particular, increased scrutiny at both the national and state level. A recent Executive Order (S-16-04) from our Governor calls for a statewide policy on "peer-to-peer file-sharing" software and explicitly requests UC compliance with this policy.

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. As mentioned above, these incidents are not limited to student-owned computers. The combination of file sharing software being used for illegal purposes and impaired system security poses dangers to university operations far beyond the already substantial concerns of illegal file sharing on student-owned systems.

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

#### Related Information

- [Vice Chancellor Gomez's Letter to Students](#)
- [UCI's Computer & Network Use Policy](#)
- [OIT Copyright Policy Resources Page](#)
- [University of California Copyright Web Site](#)
- [Digital Copyright Protection at the University of California](#)

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](mailto: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] NACS Copyright Policy Resources Page

<http://www.nacs.uci.edu/policy/copyright.html>

[3] 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>

[4] University of California Copyright Web Site

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

[5] Digital Copyright Protection at the University of California

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

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<http://www.oit.uci.edu/policy/copyright-commitment.html>