

IOWA STATE UNIVERSITY

OF SCIENCE AND TECHNOLOGY

February 1, 2005

To Members of the University Community:

The misuse of peer-to-peer file sharing programs (e.g., BitTorrent, KaZaA, eDonkey) to obtain and share copies of copyrighted music, movies, TV shows and software continues to be a problem for university communities. In an e-mail last year to users of Iowa State's computing networks, we stated:

“We believe our users should be forewarned that file sharing has very real legal and disciplinary ramifications. In higher education much of our efforts are directed at creating intellectual property in all its forms. We should therefore be concerned about protecting and appropriate use of it. As you use computing technology and our networks, we ask you to be mindful of both the legal and ethical dimensions of copying and distributing others' intellectual work.”

The majority of music available for purchase in stores, movies being shown in theaters, recent TV programs and commercial software are copyrighted and are not available for copying without paying an appropriate fee. Copyright infringement includes both the copying and making available for others to copy without authorization material that is copyrighted. We urge you to note the following points:

- Copyright infringement is a violation of ISU policies. The Code of Computer Ethics and Acceptable Use Policy states:

“Users may not use university facilities or networks to violate the ethical and legal rights of any person or company protected by copyright, trade secret, patent, or other intellectual property, or similar laws or regulations.”

Those who violate university policy face disciplinary action by the university and suspension or termination of computing and networking services as outlined in the Student Information Handbook and applicable faculty and staff handbooks or collective bargaining agreements.

- The unauthorized copying and distribution of copyrighted material is illegal and exposes you to civil and criminal liability under copyright law. This applies to all forms of copyrighted works including music, movies, TV programs and software. Federal laws including the Digital Millennium Copyright Act (DMCA) and the No Electronic Theft Law (NET Act) make copyright infringement both a criminal offense and provide for civil penalties. If you do not have legal permission, and you copy or make available for distribution copyrighted material, you can be prosecuted in criminal court and/or sued for damages in civil court. Criminal penalties can include up to five years in prison and \$250,000 in fines while civil penalties can run into many thousands of dollars in damages and legal fees.

- The Recording Industry Association of America (RIAA) has sued over 5,000 people who have paid fines and/or damages ranging from \$2,000 to \$15,000. As reported in the Iowa State Daily, one Iowa State student has reportedly paid \$4,500 to settle a suit. The number of incidents is not declining and it appears that the artists groups are increasing their enforcement efforts as indicated by the Motion Picture Association of America's (MPAA) full page add in the Iowa State Daily on November 15, 2004 titled "Is This You?".
- An Iowa City resident who was a student at the University of Iowa was convicted by Federal authorities as part of "Operation Fastlink" after admitting responsibility for as much as \$200,000 in pirating copyrighted software and distributing it on line (Iowa City Press-Citizen, December 24, 2004) and faces a maximum sentence of 15 years in prison for copyright infringement.
- During the fall semester ISU, as the Internet Service Provider (ISP) to our faculty, staff and students and in compliance with the DMCA, responded to two subpoenas seeking identification and contact information for certain IP addresses. These subpoenas concerned copyright infringement lawsuits filed by the RIAA as part of their well publicized efforts to stop the illegal downloading of copyrighted material on college campuses.
- When a file is copied using one of the peer-to-peer programs, that copy is usually available for others to copy. Both the copy made and the allowing of others to make a copy are copyright violations. Even if you purchased the CD of your favorite artist's music, you do not have permission to allow others to make a copy through peer-to-peer systems or open file shares.

As the university receives notices of copyright infringement complaints, we will take appropriate action to terminate the copyright infringement as required by the DMCA and to enforce the university's disciplinary codes. We encourage all members of the university community to abide by the policies and laws concerning copyright infringement and to use legal means for obtaining copyrighted material.

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