CHANCELLORS

Dear Colleagues:

We are writing to convey our concern about the illegal sharing of copyrighted digital files, including music, movies, books, and software, over the University’s network. The University has experienced a marked increase in notices from copyright owners that materials on the University’s network infringe upon their copyrights. These notices are transmitted electronically in the format prescribed by the Digital Millennium Copyright Act (DMCA). We believe that it is important for University leadership to communicate to all students, faculty, and staff their responsibility to uphold copyright law.

The issues of illegal file sharing and copyright infringement are of growing concern nationwide. Both Congress and the recording industry have intensified pressure, particularly on universities, to halt illegal file sharing. Congress has held hearings devoted to illegal file sharing on college campuses and has discussed the possibility of further legislative action; a national task force has been formed between the higher education and entertainment industry communities to explore solutions to illegal file sharing; and the recording industry is accelerating the distribution of copyright infringement notices to universities, issuing subpoenas and suing students who violate copyright law.

The DMCA provides the University with a safe harbor from liability if, upon receipt of a notice of copyright infringement, we respond expeditiously to remove or disable access to the material in question. Our campuses have put in place procedures to ensure that the University takes such action each time we receive a complaint. We ask that campus Chief Information Officers and designated DMCA agents review the DMCA procedures used on their campuses and verify that campus practices comply with the law.

The University has a responsibility to make sure all members of the campus community are aware of copyright laws and related sanctions, and to inform them of the consequences of engaging in illegal activities while accessing a University-provided Internet connection. We also believe that educating students, faculty, and staff will serve as a proactive measure to minimize the number of complaints that we receive.
We strongly encourage you to send a message to all members of your campus community detailing the risks associated with downloading copyrighted materials, including potential disciplinary action by the University, criminal prosecution, and civil litigation by copyright holders. As an example, attached is a copy of such a letter issued recently to the UCLA community by several senior administrators at UCLA. The memo was commended by Representative Howard L. Berman (D-CA), Ranking Member on the House Judiciary Subcommittee on the Courts, Internet and Intellectual Property, who encouraged the University to institute similar activities on all campuses to educate our constituencies about the issue of illegal file sharing.

We appreciate your assistance in fostering this communication on your campus. Should you have any questions, please contact Yvonne Tevis, Executive Assistant in Information Resources and Communications at (510) 987-0638, or Annik Hirshen, Policy and Legislative Coordinator in Student Academic Services at (510) 987-9210.

Sincerely,

C. Judson King
Provost and Senior Vice President--
Academic Affairs

Joseph P. Mullinix
Senior Vice President--
Business and Finance

Attachment

cc: President Atkinson
Members, President’s Cabinet
Associate Vice President Galligani
Associate Vice President Hafner
Assistant Vice President Sudduth
Counsel MacDonald
Special Assistant Gardner
Principal Officers of The Regents
May 19, 2003

File-Sharing and Copyright Infringement
A Communication to the Campus Community

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 very aware that initiation of legal action by the copyright holder is becoming more of a reality every day.

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 not legal to do so. Most material is copyrighted, and obtaining or offering such material in violation of the US copyright law may be punishable with civil and criminal penalties including prison time and money damages. When copyright holders resort to legal actions, there is little the University will be able to do to protect copyright infringers.

Some believe that “recreational file-sharing” is unlikely to be noticed. This is not the case. The reality is that copyright holders are significantly intensifying enforcement using automated scanning software to identify infringements, no matter how small. The Recording Industry of America on April 4, 2003 filed suit against four students at three universities for copyright infringement. Settlements ranged from $12,000 to $17,000.

As the Internet Service Provider to the campus community, UCLA receives dozens of these infringement claims a month. In compliance with the 1998 Digital Millennium Copyright Act and UCLA Policy 964, Online Copyright Infringement Liability Limitation, UCLA 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 levied against those who are downloading or offering copyrighted materials without appropriate permission.

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

If you have any questions about these issues, please contact IT Security and Policy Coordinator Kent Wada at kent@ucla.edu or 6-3874.

Daniel Neuman
Executive Vice Chancellor

Joseph Mandel
Vice Chancellor
Legal Affairs

Christopher Foote
Chair
Information Technology Planning Board

Jim Davis
Associate Vice Chancellor
Information Technology