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What Is BAYU and How Does it Work?

Q. What is BAYU?

- A. BAYU (Be Aware You're Uploading) is a service designed by the University of Michigan to notify users of University networks that they might be uploading. BAYU is an automated system that notices when computers on selected University networks appear to be uploading files using peer-to-peer (P2P) file sharing technology. BAYU then notifies the person whose computer was used to upload. The system does not look at the content being uploaded, nor does it look at the content on the computer's hard drive. When BAYU has noticed P2P uploading, it will send an email with a link to educational information and University resources to the person whose computer it noticed. BAYU

simply lets people know that a computer associated with them appears to be engaged in P2P uploading.

Q. When will the University launch this program?

A. The University will start BAYU on October 30, 2007.

Q. What is the goal of this project?

A. There are three fundamental goals, all of which are educational. First, the University seeks to help users avoid unwittingly uploading. Second, the University seeks to help users who are consciously uploading to do so lawfully. Third, the University seeks to help people who use peer-to-peer (P2P) technology be mindful of the risks associated with using this technology.

Q. Why is the University doing this?

A. The University is launching this program because many people who are using P2P technology are doing so in ways that may result in copyright infringement or other risks. Last year, the University received hundreds of notices from copyright holders who alleged that users were uploading copyrighted content using P2P technology. Many users reported that they had not intended to upload, that they thought that they had turned uploading off, or that they had thought that they had confined their uploading to files they could lawfully upload. BAYU is the latest one of many ways the University has worked to address unlawful file-sharing. BAYU will also help users avoid unwittingly exposing themselves to computer viruses and violations of their privacy through P2P uploading.

Q. How does BAYU work?

A. BAYU uses traffic-shaping software, which currently runs on some University networks, to see if a computer is uploading using P2P technology. BAYU does not block uploading; it simply tells the computer's user, via e-mail, that uploading is taking place. Users do not download BAYU onto their computers. In fact, users do not have to do anything to install or update it. It does not affect the performance of anyone's computer or the University's network. BAYU does not look at the content being uploaded, nor does it look at the content on a computer's hard drive.

Q. Is BAYU a software program that I will be required to download?

- A. BAYU is not software that users will download. It is a service that the University will provide on selected networks. There will also be ways for lawful users to opt out for the term.

Q. Will BAYU slow down my computer at all?

- A. No, the University does not expect BAYU to hamper computing activities.

Q. How long will the University keep information it collects about me from BAYU?

- A. BAYU data that identify a specific individual's uploading activities will be stored for 7 days and then destroyed. The University will likely retain aggregated usage data for a longer period of time.

Q. Will my e-mailbox be flooded with BAYU notices if I'm away for a few days?

- A. No. BAYU will initially be set to send no more than one message per 24-hour period.

Q. If I am using P2P software to upload lawfully, am I going to get an e-mail message from BAYU every day?

- A. BAYU will issue an e-mail message every time it notices uploading, but not more than once in any given 24-hour period. So, if you upload every day, you'll get an e-mail message from BAYU every day.

Q. When is it a good idea for me to opt out of BAYU?

- A. Just because the University has included the ability for you to opt out of receiving e-mail from BAYU, does not mean that you should do so lightly. If you are confident that you understand the technology you are using and that your uses are lawful, being reminded that you're uploading may be less useful to you. But, it is easy to be unwittingly uploading and you may find that BAYU can inform you of uploading you were not aware of.

Q. Will BAYU block people from uploading?

- A. BAYU will not block uploading or P2P technology; it will only notify the user.

Peer-to-Peer File Sharing

Q. What's the difference between uploading and downloading?

- A. Items are uploaded from one computer and then downloaded into another computer as part of a complete file-sharing cycle. For example, a student could exchange songs she had written and recorded with others who have written and recorded their own music. This is lawful activity. But P2P software does not discriminate between content that is restricted under copyright and content that is not, and leaving the door open for uploading means that lawful content on a student's computer, such as music the student has purchased (e.g., songs imported from a CD the student owns), might be unlawfully uploaded without the student's permission or knowledge.

Q. What are some ways that I can download music or other copyrighted works?

- A. Downloading itself is not unlawful, per se. It is what and how you download that may be a violation of law. There are many companies that sell electronic access to digital works [link] and you can purchase works through those vendors. Be sure to read the conditions of service carefully and, be wary, because there are some sham companies out there that appear to be operating lawfully, but are not. All that said, there are many works copyright holders intentionally make available through P2P technology and there are also works in the public domain that are lawful for you to download. It is not always easy to determine this, so be careful.

Q. If I turn off uploading in my P2P program, does this mean I've gotten rid of the risk?

- A. No. Any time you have P2P software on your computer, you're taking a risk. First, some P2P applications can be reset to upload without you noticing it, so it is possible to begin uploading despite the fact that you've turned uploading off in the past. Second, even if you have successfully turned uploading off, if you are using your P2P software to download, you still run the risk of downloading computer viruses and spyware, and you are still

responsible for making sure that any downloading you do is lawful.

Q. If I follow the University's recommendations about file-sharing, am I assured of using my computer safely?

- A. Any time you have P2P software on your computer, you're taking a risk. The University's recommendations are supposed to be educational and helpful to you, but they are not a guarantee. You are ultimately responsible for your use of P2P technology. And while there are many lawful and important uses for P2P technology, if you choose to use it, you will have to be vigilant to make sure that you're using it properly, safely, and lawfully. The University will do its best to keep you informed about ways you can do this, but, in the end, you are responsible for how you use this technology.

Q. Is it a violation of University policy to have P2P software on my computer?

- A. No. There are many lawful and important uses for P2P technology. But, how you use the software may violate University policy and/or the law.

Q. Is it a violation of University policy to use P2P software to upload and download?

- A. No. There are many lawful and important uses for uploading and downloading using P2P technology. But, it is how and what you upload and download that may violate University policy and/or the law.

Q. If I am making legitimate and lawful uses of P2P software on my computer, is there no way to avoid risk?

- A. As with many types of technology, if you use it, you're taking some risk. You can mitigate that risk by carefully monitoring your use, by understanding how the technology works, and by learning about laws and policies that might govern your use of it.

Q. How is it possible that people are uploading without their knowledge?

- A. Many people use P2P technology without understanding how it works. Many P2P applications come configured to upload, so if users do not specifically reconfigure the application to prevent uploading, they may end up uploading

unwittingly. Sometimes, even if users have configured their applications not to upload, they may be reset to resume uploading when users update the software or via one of several other resetting mechanisms used by some applications. Furthermore, some students have reported that someone who used their computer has installed the P2P software unbeknownst to them, while others succumbed to music downloading scams, where they believed they were paying for a legitimate service that instead turned their computers into file-sharing servers.

Privacy and Ethics

Q. If BAYU can see my uploading activity, does that mean others can see it too?

A. Yes—your uploading activity is visible to everyone on the Internet who chooses to look. Unlike BAYU, many of the programs that look for uploading do examine the content of the uploading computer.

Q. Is BAYU looking at other things on my computer?

A. No. BAYU looks neither at the content on users' computers nor at the content of uploads or downloads.

Q. Does the University care about unlawful downloading of copyrighted material?

A. Yes. It is a violation of University policy to engage in copyright infringement, including using P2P software to unlawfully download copyrighted works. There are many avenues for members of the University community to lawfully purchase or license access to copyrighted materials [link].

Q. Does BAYU monitor any other information on my computer?

A. BAYU is designed to recognize only P2P uploading activity and the IP address of the uploading. It will not identify the contents of users' computers or contents of the traffic being uploaded or downloaded. Nor will BAYU make any determination about whether the activity in question is lawful or unlawful. BAYU will inform users that they may be uploading using P2P technology.

Q. Does BAYU keep any record of any information on my computer?

A. BAYU does not collect any information from within users' computers.

Q. Will the University be required to share any collected information with the RIAA?

A. Ordinarily, no. But the RIAA has and continues to file lawsuits against people it alleges have infringed the copyrights of its members. As part of their lawsuits and pursuant to a valid subpoena, the University has been compelled to produce information about individual users. Because BAYU is an educational program and because BAYU data will have no information about specific content uploaded or on a user's computer, it will likely be of little use in a lawsuit.

Q. Will I be in trouble with the University if BAYU identifies me lots of times?

A. No. BAYU is an educational service; it is not an enforcement mechanism. BAYU makes no determinations about whether your activities were lawful or not and BAYU does not examine the content on your computer. BAYU is designed to be a service to inform you, so you determine for yourself if your activities might lead to trouble for you and how to avoid unwittingly exposing yourself to a variety of problems.

Sponsoring U-M Departments

BAYU is sponsored by the following University Departments:

- Office of the Provost
- Office of the Vice President for Student Affairs
 - Office of the General Counsel
- Office of the Vice President for Communications
 - Information Technology Central Services
 - Information Technology Security Services
- Housing Information Technology Office/University Housing
 - Center for Information Technology Integration

BAYU **Be Aware You're Uploading**

[BAYU Basics](#) • [The BAYU E-mail](#) • [IT Policies](#)

[Legal File Sharing Resources](#) • [Help and Advice](#) • [HOME](#)



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