

Dear [Student]:

This email is being sent to all students at the University of Southern California to provide information about the lawful use of copyrighted materials on USC's computing networks and in USC facilities, as well as to provide information about the consequences of illegally uploading, downloading, and sharing music and movies.

This letter is not intended to be a comprehensive treatment of the copyright laws; it is intended to provide you with basic information to help you understand the differences between legal and illegal file sharing. **You are urged to print a copy of this letter and read it carefully.**

Over the past few years, many students from USC and other universities have ignored the information provided to them about the consequences of illegal file sharing and, as a result, have been sued and forced to pay thousands of dollars in financial settlements for infringing on the copyrights of music and movie companies.

Risks of Illegal File Sharing

Contrary to what many students believe, U.S. federal law treats the unauthorized uploading, downloading, or sharing of copyrighted material as a serious offense that carries serious consequences. Any USC computer account holder who infringes copyright laws risks a lawsuit by the copyright holder, loss of access to the USC computer system, and disciplinary action by USC.

In recent years, copyright holders and their trade associations—especially the Recording Industry Association of America [RIAA] and the Motion Picture Association of America [MPAA]—have aggressively pursued copyright holders' rights and have been increasingly focused on university students. In some cases, the cost of settlement can range from \$3,000 to \$8,000 or more for the initial offense, which may be no more than the download of a single song, to upwards of such amounts for subsequent offenses. You also risk a possible criminal record.

USC prohibits any infringement of intellectual property rights by any member of the USC community. It is against USC policy to participate in the violation of the intellectual property rights of others. USC's policy regarding student use of USC computing resources can be found at www.usc.edu/its/policies/student/.

Understanding Copyright Infringement

USC is committed to the education of its students. Over the past few years, USC has increased its efforts to make students aware of the policies that govern the use of its computing facilities and systems and to encourage the responsible use of USC computing resources. These efforts include providing information about copyright laws, particularly with regard to file sharing.

In order to protect you and the university from legal actions, we want to help you better understand the acts that constitute violations of federal copyright law, especially with regard to peer-to-peer (P2P) networks. If you use USC's network to access, download, upload, or otherwise share copyrighted materials without permission, without making a fair use, or without falling under another exception under copyright law, you are likely infringing copyright laws.

In general, copyright infringement occurs whenever someone makes a copy of any copyrighted work, such as songs, videos, software, cartoons, photographs, stories, or novels, without permission (i.e., a license) from the copyright owner and without falling within the specific exceptions provided for under the copyright laws. These exceptions include, without limitation, "fair use," which is briefly described below, and provisions of the Audio Home Recording Act, which allow for noncommercial copying of lawfully acquired music onto recordable compact discs (CD-Rs).

P2P File Sharing and Copyright Infringement

Peer-to-peer (P2P) computing is a powerful technology that has many uses. P2P networks can be used to share and exchange music, movies, software, and other electronic materials. The use of P2P networks to upload, download or share copyrighted material, such as movies, music, and software, can violate the rights of copyright owners.

In the P2P file-sharing context, infringement may occur, for example, when one person purchases an authorized copy and then uploads it to a P2P network. When one person purchases a CD, creates an MP3 or other digital copy, and then uses a P2P network to share that digital copy with others, both the individual who makes the file available and those making copies may be found to have infringed the rights of the copyright owner(s) and may be violating federal copyright law.

Although some artists and smaller labels release music under "generous" licenses, such as Creative Commons licenses, **all of the major labels consider sharing MP3 files of their music over P2P networks as copyright infringement.**

USC advises all computer account holders to use extreme caution when installing P2P software and to read all user agreements carefully beforehand. Make sure that you read all available documentation from the P2P software provider and understand how the P2P software is configured and operates.

Some P2P programs have default settings that index the files on your computer and make music or film files that you have legitimately acquired available to other users of the P2P network without your being aware of the activity. In such cases, you may unwittingly participate in copyright infringement. In this context, not being aware that your computer is making files available to other users may not be a defense to copyright infringement.

You are responsible for all activity that transpires through your computing account and the devices that are registered to you.

Infringing conduct exposes the infringer to the risk of serious legal penalties. Organizations such as the RIAA and the MPAA monitor P2P networks, obtaining "snapshots" of users' Internet protocol (IP) addresses, the files that users are downloading or uploading from their P2P directories, the time that downloading or uploading occurs, and the Internet service provider (ISP) through which the files travel.

Copyright owners have been known to target both those who upload music over the P2P network and those who download from the network. In addition to monitoring networks and obtaining IP address "snapshots," copyright owners have been known to use P2P networks

themselves, uploading copyrighted content while keeping a legal record of the downloading actions of other users.

Once an IP address and other information have been obtained, the RIAA, MPAA, and other copyright owners and their representatives can file a "John Doe" lawsuit and issue a subpoena to the ISP demanding the identity of the user connected to that IP address.

Copyright Infringement Notifications

As an ISP for its students and faculty, USC receives notices from the RIAA and MPAA identifying the IP addresses of USC account holders believed to be sharing copies of copyrighted music and videos without authorization. USC reserves the right to demand that the infringing conduct cease immediately; where necessary, USC will revoke the identified individual's access to the USC computer system. In serious situations, further disciplinary sanctions may also be appropriate.

The RIAA or MPAA often presents an option for the alleged illegal file sharer to settle the lawsuit out of court for some amount of money. If the user is determined to have infringed copyrights, whether through P2P networks or other means, and has not settled, he or she may also be subject to sanctions such as monetary damages and the required destruction of all unauthorized copies. In certain circumstances, federal authorities can criminally prosecute copyright infringement.

By participating in illegal file sharing, you may be subject to a lawsuit even after you have destroyed any illegal copy or copies of copyrighted material that were in your possession. For more information about the different types of notices related to copyright infringement, see <http://www.usc.edu/its/accounts/infringement.html>.

Fair Use

Copyright law provides no blanket exception from liability for university students based solely upon their status as students. There are limited circumstances where use of copyrighted materials without permission is allowable. One of these circumstances is under the legal doctrine of "fair use," such as for purposes of news reporting, criticism, commentary, or teaching. Whether use of copyrighted material without permission is "fair use" depends on a very detailed, case-by-case analysis of various factors. For a better understanding of these factors, please visit the U.S. Library of Congress website, www.copyright.gov.

There Is an Alternative: Legal Downloading

USC has an agreement with Ruckus, a digital entertainment network designed to provide students with a legal way to explore, share, and download music and movies. Under USC's agreement with Ruckus, students may stream music for free and purchase music downloads at a discounted price. For more information, please go to www.usc.edu/its/ruckus. Of course, there are other legal digital entertainment providers that you may also wish to use.

When you buy music or movies online or buy a CD or DVD, it is important to understand the answers to the following questions:

1. What permissions come with the product? These range from very broad Creative Commons permissions, which allow for redistribution under certain conditions, to very restrictive requirements, which allow play on only one machine, or allow only streaming, etc. It is incumbent upon you to understand the permissions.
2. What digital restrictions, if any, are used with the product? Many services use digital rights management (DRM) technology to control the use of the music or other digital works they sell. DRM usually reflects the permissions and can range from allowing unlimited burns to CD to preventing any copying at all. DRM models can also limit what kind of devices you can play the music on. DRM with a subscription-based model may render the music unplayable if the subscription is not maintained. Some services do not use DRM.

In conclusion, you need to be aware that sharing music, videos, software, and other copyrighted material may be a violation of law and can expose you and those with whom you share materials to civil and criminal penalties. Please be responsible in your use of copyrighted materials.

Sincerely,

Ilee Rhimes
Chief Information Officer
Vice Provost for Information Technology Services

Sincerely,

Michael L. Jackson
Vice President for Student Affairs