

Free Movies & Music!

... NOT!

“Heads Up”...

Internet Copyright Infringement

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Internet Copyright Infringement Refers To???

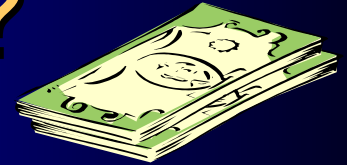


copyright = legal right to exclusive publication, production, sale, or distribution of literary, musical or artistic work

infringement = Copying or distribution, without permission—of copyrighted...

- *Movies & TV shows*
- *Music*
- *Software*
- *Anything with a copyright that can be copied or shared via the Internet*

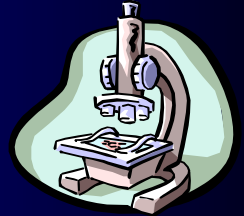
So, What Is the Problem?



- *Producers, publishers, retailers, the record companies, and perhaps most importantly, the creative artists lose their earnings.*
- *Law-abiding consumers also lose. "Shortcut" savings enjoyed by pirates drive up the costs of legitimate product for everyone.*

What Is Behind the Problem?

- *Your machine becomes a server—You become a DISTRIBUTOR!*
- *Digital format of materials=easy, exact copies*
- *High-speed Internet connections on many college campuses=fast downloads of big files*
- *Wide availability of “peer-to-peer” or p2p clients: Morpheus, Limewire, KaZaA, etc.*
- *Seeming anonymity of access to digital movies, music, software*
- *File-sharing Exploits... XDCC...*



File-Sharing Exploits!



Your computer may be UPLOADING FILES WITHOUT YOUR KNOWLEDGE OR PARTICIPATION!

You know about KaZaA, Morpheus and other file-sharing clients, but...

- There have been directed attacks against Virginia Tech users' computers, due to a file-sharing exploit being secretly loaded onto your computer. Once such exploit is referred to as XDCC (direct client connection).
- *HOW CAN THIS HAPPEN?* If you have:
 - An easy-to-guess or no operating system log-on password.
 - A computer with an operating system that does not have all current system and security patches or updates.
- The exploit stores the file-sharing program, **ALONG** with copyrighted movies, games, TV programs, music or pornographic files on your unsecured computer.
- You can end up sharing copyrighted files on your computer with "the Internet world" **without your direct involvement!**



Let's Talk Legal!

By using the university's network systems you agree to abide by...

Virginia Tech's Acceptable Use Guidelines:

- *demonstrate respect for intellectual property*
- *use resources only for authorized purposes*
- *access only information that is your own, that is publicly available, or to which you have been given authorized access*
- *use only legal versions of copyrighted software in compliance with vendor license requirements*
- *be considerate in your use of shared resources*

See Virginia Tech's "Acceptable Use Guidelines" at:

http://www.vt.edu/acceptable_use.php



Legal...Once More

- *Digital Millennium Copyright Act (DMCA)*
 - *updates U.S./Federal copyright law for the digital age*
 - *Key provisions address:*
 - *circumvention of copyright protection systems*
 - *fair use in a digital environment*
 - *Internet service provider (ISP) liability*
 - *ISP not liable, IF mis-using customers are promptly corrected*
- *Virginia Tech is your Internet Service Provider (ISP) on campus and via VT Modem Pool.*
- *U.S. Copyright Act of 1976*
- *State laws against unfair competition and unauthorized duplication*

University's Role

- *Ensure the safety and integrity of university systems*
- *Comply with applicable local, State and Federal laws*
- *Assist authorities and copyright holders with their legal inquiries*
- *Virginia Tech does NOT monitor content—volume of traffic only*



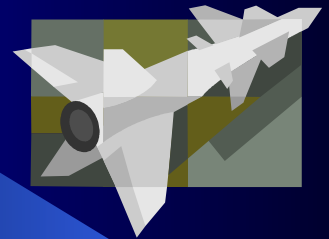


How Are People Caught?

- *Copyright owners or agents surf the web*
- *Use the same p2p clients others use*
- *They CAN identify IP address of source computer.*
- *Copyright owner or agent details what material is being compromised, by whom and the dates the activity was observed.*
- *Agent registers a complaint with the Internet Service Provider (ISP), which is required to immediately curtail illegal distribution!*

Then What Happens?

To ensure compliance with the DMCA, the university:



- *Researches the referred data*
- *Identifies the probable offender*
- *Offender advised by an e-mail, copied to Judicial Affairs, to immediately cease the illegal activity*

How Much Trouble?

Unauthorized use of copyrighted materials...

- *Violates both Federal and State laws*
- *Potentially subject to civil and criminal legal action*
- *Contravenes Virginia Tech's Acceptable Use Guidelines*
- *Likely to receive a sanction from the University's Judicial Affairs office...*



E-mail Warning

In the case of file-sharing exploit complaints...

- *E-mail names infringed movie, etc., and is sent to all residents of a given room*
- *Portal of “music server” is identified*
- *Results in a Judicial Referral*
- *Advises residents to correct the infringing computer and to follow up with Communications Network Services within 24 hours*
- *If no follow up with CNS within 24 hours your network connection is subject to deactivation!*

Judicial Referral

- *In the case of other copyright/ AUP violations (KaZaA, Morpheus, Limewire, Gnutella, etc)...*
 - *An e-mail lists the portal from which the infringed movie was uploaded, and advises all residents of a given room of a violation of Acceptable Use Guidelines*
 - *A Judicial Referral (JR) is issued*
 - *Advises residents to correct the infringing computer and to follow up with CNS within 24 hours*
 - *If no follow up with CNS in 24 hours, the resident's network connection is subject to deactivation!*
 - *If a second, subsequent complaint is received for the same computer, it is considered a violation and a second JR is issued!*

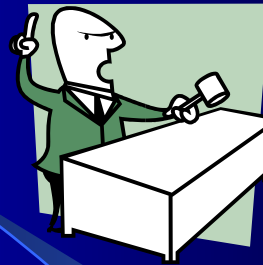
What Happens When I Get a JR?



After a judicial referral (or JR) is filed:

- *A Judicial officer reviews the JR*
- *If determined a violation, a “charge letter” is sent to implicated individual(s)*
 - *Letter specifies charges being brought and sanction to be imposed. Also called “Administrative Action”*
 - *Letter includes an overview of rights accorded to every student involved in the judicial process*
 - *Copies of the referral, with the referral agent’s name and narrative of violations are attached*
 - *If a student desires a formal hearing, a request must be made within 7 business days of the date on the charge letter*
 - *If a hearing is not requested, such inaction results in agreement with the charge and associated sanction*

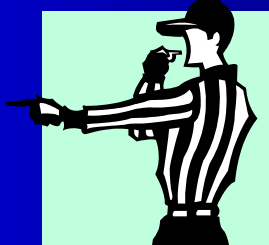
Likely Sanctions



- *Depending on the nature of the violation and whether or not a student has prior judicial referrals in this area, sanctions can range from a "Formal Warning" to "Denial of Network Privileges". All include an educational assignment.*
- *Sanctions are for a specific period of time. Should two violations occur, the individual may be subjected to Deferred Denial of Network Privileges. For more information on sanctions please visit <http://www.judicial.vt.edu>.*

What Happens If I Get Another JR?

- *Students who allegedly violate the Acceptable Use Policy for a second time are required to attend a judicial hearing to discuss the violation(s) in question.*
- *At the hearing, you will be able to tell your version of the events and learn the outcome of the case.*
- *If you choose to appeal, you have seven business days following the date of your hearing to file your paperwork with the Office of Judicial Affairs.*
- *An appeal is defined as a request for review of the original case, which involves a review of the judicial decision. The burden is on the “appealing” student to demonstrate why the finding or sanction should be altered.*



So, How Many Chances Do I Get?



- *Actions documented by the University judicial system are cumulative over the entire time you are enrolled at Virginia Tech.*
- *Two violations of Acceptable Use Guidelines will result in deferred Denial of Network Privileges.*
- *Network privileges can be denied on the third violation of the policy for a specified period of time....*



Resources

- *Office of Judicial Affairs:* <http://www.judicial.vt.edu/>
- *Smart computer use:* <http://www.security.vt.edu/>
- *Internet Copyright Infringement FAQ & Other Refs:*
<http://www.cns.vt.edu/html/copyright.html>
- *Virginia Tech Acceptable Use Guidelines*
http://www.vt.edu/acceptable_use.php
- *Recording Industry Association of America*
<http://www.musicunited.org>
- *Motion Picture Association of America*
<http://www.mpa.org/piracy.asp>
- *Digital Millennium Copyright Act-from EDUCAUSE:*
http://www.educause.edu/Browse/645?PARENT_ID=254
- *Secure computing:* <http://lockitdown.cc.vt.edu>