

Student DMCA Complaint Policy & Reconnection Fee

Background

While file-sharing technology has revolutionized our ability to share information with one other, its illegal use for pirating copyrighted materials is at unacceptable levels at Stanford. On March 30, 2007 Stanford was listed as one of the Motion Picture Association of America's top 25 worst offenders (<http://chronicle.com/wiredcampus/index.php?id=1969>). We have also had a steep increase in the number of piracy complaints filed against us by the Recording Industry Association of America (RIAA).

From September 2006 – January 2007, Stanford received nearly as many Digital Millennium Copyright Act (DMCA) complaints as we received in the entire 2005-06 academic year. Of these complaints, 90% are directed at undergraduate and graduate students: students who are jeopardizing the Stanford network by using it as platform to steal songs, movies, TV shows, video games, books and software.

As of May 2007, the RIAA has identified seven Stanford network connections that have been targeted for its “pre-litigation” notification program (<http://www.riaa.com/news/newsletter/022807.asp>). The RIAA has said that it will continue to send out pre-litigation notices each month.

Keeping up with the number of file-sharing complaints coming in under the DMCA has required almost three full-time Stanford employees. It is an irresponsible waste of Stanford's resources—your tuition dollars—to spend so much staff time responding to copyright violations.

To defray these costs while underscoring Stanford's stance on copyright, beginning September 1, 2007, Stanford will charge violators Internet reconnection fees.

Student DMCA Policy

1st DMCA Complaint: The Information Security Office will forward a copy of the complaint to the student, with an email instructing the student to remove copyrighted content and respond to the Information Security Office. A student has 48 hours to respond to the Information Security Office (ISO) and attend to the DMCA complaint. If the student addresses the DMCA complaint within that time, there will be no disconnection, and no reconnection fee. But if the student does not respond within 48 hours, the student will be disconnected from the network. Once the DMCA

complaint has been addressed, the student will be charged \$100 to be reconnected to the Stanford network.

2nd DMCA Complaint: The Information Security Office will forward a copy of the complaint to the student and to the student's Residence Dean. The student will be disconnected immediately from the network. Once the DMCA complaint has been addressed, the student will be charged \$500 to be reconnected to the Stanford network.

3rd DMCA Complaint: The Information Security Office will forward a copy of the complaint to the student. The student will be disconnected immediately from the network. Network privileges will be terminated. The Information Security Office will file a complaint with Judicial Affairs for disciplinary action. New network privileges may be granted at Stanford's discretion upon the student agreeing to indemnify Stanford against any further copyright violations, and paying up to \$1000 to establish new privileges.

Fees

Fees will appear on the monthly University bills.

Although the purpose of these fees is to discourage piracy and compensate the University for resources spent dealing with DMCA complaints, for the first year of the program, the affected departments have agreed that these fees will be transferred to ASSU's general operating budget to enhance Stanford student activities.

Policy Effective Dates

The imposition of the reconnection fee is the only substantial modification to Stanford's treatment of DMCA complaints against students. With the exception of charging the reconnection fees, this Student DMCA Policy is immediately effective and existing DMCA complaints will be treated under it. So if a student has already received two DMCA complaints, the next complaint will be a 3rd DMCA Complaint under this policy.

The imposition of reconnection fees will take effect on September 1, 2007. All students will start at the \$100 reconnection fee level. So if a student had one DMCA complaint filed against her prior to September 1, 2007, then on receipt of a 2nd DMCA complaint, Stanford will refer the matter to the student's Residence Dean and once the complaint has been addressed by the student, a \$100 reconnection fee will be charged.

Additional Information & Resources

File-sharing copyrighted content without permission is against the law and against University policy. There are many easy and inexpensive ways to access or purchase entertainment content lawfully: Ruckus offers a free music service to college students, <http://www.ruckusnetwork.com/pressrelease.php?id=62>; songs are sold individually for less than a dollar; you can rent movies through the mail or buy them online; or you can even visit the library. *Downloading content illegally through the Stanford network is not an acceptable option.*

To avoid both legal and university consequences, please take the time to remove unlawfully obtained copyrighted content from your computer.

For more information about Stanford's Copyright Policies, see the Copyright Reminder that was distributed this past October (http://www-sul.stanford.edu/libraries_collections/copyright_reminders/index.html) and the Provost's letter from September 2004 in which he discusses file-sharing myths (<http://www.stanford.edu/dept/provost/news/ProvostFileshare2004.pdf>).

Contact

Questions about this policy may be addressed to Lauren Schoenthaler, Senior University Counsel at lks@stanford.edu.