

Complying with the Digital Millennium Copyright Act

Date: October 16, 2006

Purpose: To indicate to users of the Otis College network their obligation to observe copyright under the Digital Millennium Copyright Act and the ramifications of infringing copyright on the College's network. To define how the College handles notifications of alleged copyright infringement on its network. To indicate to Otis College students, faculty, and staff that the College supports their ability to protect their own copyrighted works on the Otis College network.

Scope: All users of the Otis College network.

Discussion: Members of the Otis College community are expected to comply with the copyright laws of the United States. These copyright laws apply to copyright-protected materials regardless of whether they are reproduced in digital, electronic, print or other form.

On October 28, 1998, President Clinton signed into law the Digital Millennium Copyright Act (DMCA). Among its many facets, the DMCA limits the liability of internet service providers, including Otis College, provided the service provider (1) registers a DMCA agent with the U.S. Copyright Office to receive notification of claimed copyright infringement, (2) adopts a policy of terminating the accounts of repeat infringers, and (3) accommodates standard technical measures to protect copyrighted works.

Details:

1. Designated DMCA Agent

Otis College has designated an agent to receive notifications of alleged copyright infringement on the College's network, including the otis.edu domain.

Otis College's Designated DMCA Agent

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CIO

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2. Notifications of Alleged Copyright Infringement ("Notice")

Anyone who believes their copyrighted work is being infringed on the Otis College network should notify the College's designated DMCA agent. The notice must include the following elements. Failure to include all elements may result in a delay of the processing of the complaint.

- A description of the copyrighted work that is the subject of the claimed infringement (if multiple works are being infringed at a single site, a representative list of such works at that site is adequate).
- A description of the infringing material and information sufficient to permit us to locate the material.
- Contact information for you, including your address, telephone number and/or e-mail address.
- A statement by you that you have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, or its agent, or the law.

- A statement by you, signed under penalty of perjury, that the information in the notification is accurate and that you have the authority to enforce the copyrights that are claimed to be infringed.
- A physical or electronic signature of the copyright owner or a person authorized to act on his or her behalf.

3. Responding to Copyright Infringement Claims (“Take-Down”)

Upon receiving a complete notification of claimed infringement, Otis’s DMCA agent will respond to the complainant with a standard letter. The agent will work with Information Systems to remove or disable access to the potentially infringing material in an expeditious manner. Information Systems and the agent will promptly notify the individual or operational unit responsible for the material in question of the complaint received and the actions taken. For details on these procedures, please refer to Otis’s procedure, “Responding to Claims of Digital Millennium Copyright Act Violations.”

4. Counter Claims

The DMCA provides a mechanism for the individual responsible for the allegedly infringing materials to make a counter notification requesting that the materials or access be reinstated. A counter notification must include the following elements. Failure to include all elements may result in a delay of the processing of the counter notification.

- A physical or electronic signature of the account owner or responsible individual.
- Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled.
- A statement under penalty of perjury that the account owner has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.
- The account owner’s name, address, and telephone number.
- A statement that the individual consents to the jurisdiction of the Federal District Court for the judicial district in which the individual’s address is located, or if the individual’s address is outside of the United States, for the College’s judicial district, and that the individual will accept service of process from the complainant or that person’s agent.

5. Responding to Counter Claims (Put-Back)

Upon receiving a complete counter notification, Otis’s DMCA agent will promptly provide a copy to the original complainant stating that the College will replace the materials or restore access in 10 business days. Information Systems will replace the materials or restore access not less than 10, nor more than 14, business days following receipt of the counter notice unless the College’s DMCA agent first receives notice from the original complainant that they have filed action seeking a court order to restrain the individual from engaging in infringing activity relating to the material on the College network.

6. Terminating Accounts of Repeat Copyright Infringers.

Otis College has a policy entitled *Otis College Computing Usage Policy*. All users of information technology resources at Otis College should become familiar with this policy. Among other regulations, this policy prohibits the use of College computing resources to circumvent or violate copyright law. In addition to the sanctions available under the *Computing Usage Policy*, the College will terminate the informational technology privileges of any user who engages in repeat violations of this prohibition related to copyright-protected materials.

7. Standard Technical Measures to Protect Copyrighted Works.

Otis College supports the efforts of its students, faculty, and staff to protect their copyrighted materials from infringement.

8. Additional Information about Copyright

For more information regarding copyright law, you are encouraged to visit the following web sites:

General

- U.S. Copyright Office (<http://www.loc.gov/copyright/>)
- Copyright Basics (from the U.S. Copyright Office) (<http://www.copyright.gov/circs/circ1.html>)
- Copyright Laws of the U.S. (from the Legal Information Institute at the Cornell University Law School) (<http://www4.law.cornell.edu/uscode/17/>)

Digital Millennium Copyright Act

- The Digital Millennium Copyright Act (the law itself, PDF) (<http://www.copyright.gov/legislation/hr2281.pdf>)
- U.S. Copyright Office Summary of the DMCA (PDF) (<http://www.copyright.gov/legislation/dmca.pdf>)

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