EASTERN MICHIGAN UNIVERSITY
DIVISION of INFORMATION TECHNOLOGY

Procedure

Effective Date	Date of Last Revision
February 24, 2015	February 24, 2015

Chapter Name	
Intellectual Property	
Chapter Number	**Title**
5.1.P.1	**DMCA Notice and Pre-litigation Letter**

1.0 Purpose

In order to fully comply with the Digital Millennium Copyright Act (DMCA) and appropriately respond to "pre-litigation letters", Eastern Michigan University (EMU) has established the following procedures for the handling of infringement allegations against anyone utilizing EMU's network.

These procedures document compliance by Eastern Michigan University with relevant laws and best practices while minimizing the legal liability of the University. In no way do these procedures imply that EMU has confirmed the allegations made by the external agency.

In addition to resolving the issue by following this procedure, it is the legal responsibility of the recipient of the allegation(s) to resolve the issue(s) as he/she deems fit. This procedure is designed to meet legal compliance requirements placed upon EMU for handling copyright infringement allegations. This procedure does not provide or imply any legal advice.

2.0 Governing Policy

Number/Document Name	Effective Date
4.4 EMU Copyright Policy	6/21/2005

3.0 Procedure

3.1 Receive Allegation: EMU receives allegation from an external entity via email to copyright_abuse@emich.ed . This address is listed with the United States Library of Congress as the Designated Agent for Eastern Michigan University to receive infringement allegations pursuant to the DMCA. Allegations submitted to abuse@emich.edu or directly to the CIO may be disregarded for failure to follow the allegation submission procedure prescribed in the Act.

3.2 Network Team:

a. IT network team member completes date/time conversion calculation if appropriate and uses the best available method to translate the identified IP address at the time provided in the notice to a NetID or guest account.
b. Network Team forwards results of analysis to Director of Network and Systems.
c. Network Team blocks P2P file sharing access for the identified user. The block is considered permanent. However, the end-user can appeal to request removal of the block by contacting the Director of Network and Systems via e-mail for case review. Removal of the block is at the sole discretion of the Director in consultation with the CIO.

3.3 Security Team:

a. If an account is identified, IT Security team member reviews documentation to determine if any prior allegations are recorded for the identified user. Multiple allegations within any one-week period are considered a single offense, as the user may not have had sufficient time to respond to the initial notification. If the identified account has any prior allegations during the current academic year, skip to Section 3.4
b. For first-time offenses, an e-mail message is sent to the user via the EMU provided e-mail service.
c. IT Security team member records notification details in notification process log or database.
d. User has one week to reply as per the instructions in the email.

e. Copies of all correspondence and documentation are kept on file with IT Security for one year.

3.4 Failure to Respond or Repeat Allegations – Disciplinary Action: Accounts that do not respond to the initial allegations by the due date or any account with repeat allegations in the present academic year are forwarded to the appropriate university office for disciplinary review and possible sanction:

a. Faculty/Staff cases and documentation are referred to Academic Human Resources or Administrative Human Resources, as appropriate, for resolution.
b. Student cases and documentation are referred to Student Conduct and Community Standards office for resolution.
c. Guest account cases and documentation are referred to Legal Affairs for resolution.

4.0 Responsibility for Implementation

Director in charge of IT Security is responsible for the implementation of this procedure while the steps are within the DoIT jurisdiction until handed off to another administrative unit for sanction/follow up.

5.0 Definitions

Term	Definition
Digital Millennium Copyright Act (DMCA)	The Digital Millennium Copyright Act (DMCA), Pub. L. 105-304, 112 Stat. 2860 (Oct. 28, 1998) is also known as Appendix B of Title 17 US Code (The US Copyright Act of 1976, as amended). The DMCA provides for, among other things, the possibility of limited liability for claims of copyright infringement brought against an online service provider who complies with the DMCA. Explanation of the DMCA can be found at http://www.copyright.gov/legislation/dmca.pdf , and title 17 can be found at http://www.copyright.gov/title17 .
Academic Year	The one-year period of time beginning September 1 and ending August 30 of the following year.

6.0 Revision History

Description	Approval Date
Original	July 27, 2010
Revision to reflect existing state of technology	
R. Jenkins – Updates to better reflect practice	January 01, 2015
Policy Committee First Review	January 22, 2015
Policy Committee Second Review	February 19, 2015
Approved by CIO	February 24, 2015