

Compliance with DMCA and Peer-to-Peer File Sharing Policies

Reporting Alleged Copyright Infringement

In accordance with the Digital Millennium Copyright Act (DMCA), B-CU has designated an agent to receive notifications of claimed copyright infringement.

To report alleged copyright infringements at B-CU, please contact:

John DiNardo
Director of Infrastructure Services

Center for Information Technology
Bethune-Cookman University
640 Dr. Mary McLeod Bethune Boulevard

Phone: 386-481-2650
Fax: 386-481-2912
dmca@cookman.edu

Reporting an Infringement

B-CU requires its faculty, staff, students, and affiliates using University infrastructure to comply with U.S. copyright laws. B-CU reserves the right to remove or limit access to material posted on University-owned computers if it is alleged that the US copyright laws have been violated. If the University determines that US copyright laws have in fact been violated, the infringing material will be permanently removed.

The DMCA requires that all claims of infringement be in writing and include:

1. A physical or electronic signature of the copyright owner or person designated to act on his/her behalf
2. Identification of the allegedly infringed copyrighted work, including:
 - a. Identity of the copyright owner, if not the complainant;
 - b. Citation of the copyrighted work (author/creator, title/description, copyright date);
 - c. State of copyright ownership; and
 - d. Evidence of copyright registration;
3. Identification of the host web site and sufficient information to locate it including:
 - a. URL (web address);
 - b. Date, time, and time zone the web site was observed; and
 - c. Contact information for the complainant or person designated to act on his/her behalf, including address, telephone number, and, if available, email address

4. A statement that the complainant has a good faith belief that the use of the material is not authorized by the copyright owner or the law
5. A statement that the information in the notification is accurate and; under penalty of perjury, that the complainant is authorized to act on behalf of the copyright owner.

How B-CU Responds to Allegations of Online Copyright Infringement (DMCA Notices)

As part of its compliance with federal copyright law and the DMCA, the University deploys a procedure to respond to bona fide notices of copyright violation by copyright holders. This procedure operates as follows:

1. The DMCA agent for the University requests that IT block the Internet Protocol (IP) address alleged by the notice to be in violation of federal law and provide the agent with the identity of the user or party responsible for the computer (responsible party)
2. The agent then notifies the user or responsible party of the notice by sending a copy of the Standard Notice via email and requests a cease and desist statement by return email
3. Upon receipt of that statement, the agent then requests the IT unblock the IP address
4. If the identified individual cited is certain that s/he is legally using the allegedly infringing material or that the copyright owner has misidentified the material, s/he may file a counter notice
5. Alleged Repeat Offenders: The process for alleged “repeat offenders” (subjects of more than one DMCA notice):
 - a. Student—file charges with the judicial system for prosecution as student misconduct
 - b. Employee—his/her department head will be informed that the complaint is not the first one
 - c. In order to maintain safe harbor under the DMCA, it is necessary that the University terminate the Internet services of students, faculty or staff who receive three DMCA notices that (a) conform to statutory requirements and (b) where no counter notification has been filed

IT will refer violations to the appropriate campus administrative entity. Violations of local, state and federal law will be referred to the appropriate authorities. Violations by students may result in judicial sanctions as prescribed by the B-CU Student Code of Conduct such as:

- loss of privileges
- monetary reimbursement to the University or other appropriate sources
- prosecution under applicable civil or criminal laws