

Peer-to-Peer File Sharing Policy Update Bloomington Faculty Council March 2, 2004 and March 23, 2004.

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Indiana University, Students, File Sharing, and the RIAA (among others)

How the entertainment industry identifies people who share music files:

1. Every device connected to the Internet must have assigned to it a unique network address.
2. Computers that converse with each other must know the network address of the computer at the other end of that communication.
3. Internet service providers (which Indiana University is, under certain circumstances) are assigned large blocks of these network addresses, to assign computers connected to their organization networks.
4. Indiana University has been assigned several large blocks of addresses
 - a. A full block is assigned only to computers connected to ResNet (149.159.XXX.XXX)
 - b. Known portions of another block are assigned to GreekNet (156.56.XXX.XXX)
5. There are registration databases on the Internet that can be used to determine to what organization blocks of addresses are assigned.
6. Students in on-campus housing (including GreekNet) are required to register their personally-owned computers, by providing their University username and password, in order to be assigned a network address which permits them to connect their computers to the University network.
7. Students who use file sharing programs (Kazaa, Limewire, etc) to copy their own CD collections to their personal computer or to collect from other peoples' collections on Internet, most times also share those music files back out to the network to which they belong. Sometimes they do this on purpose, and sometimes they don't know that these files are being shared.
8. The RIAA and other copyright owner representative organizations search for and download files being offered, and in that communication they obtain the network address.
9. They equate that address with Indiana University, and Indiana University can associate that network address to a student, because of the registration process.
10. Indiana University has procedures for handling these notices. See next page .

The following material is derived from a comprehensive web site – <http://filesharing.iu.edu> – created by the University IT Policy Office, in conjunction with University Counsel and the Deans of Students at IUB and IUPUI.

The law (DMCA 1998) requires online service providers to have in place escalating procedures for dealing with "repeat offenders." The law requires that we take action "expeditiously" to remove offending materials.

1. "First Offense"

- a. Student receives an email from the University IT Policy Office, including a copy of the complaint from the copyright holder
- b. The student is required to review an online tutorial and pass a quiz.
 - i. Part of the tutorial is a description of how the student may do a counter-notice, if they feel they actually do have appropriate permission to use the materials cited, as cited, in the complaint.
 - ii. One question on the quiz requires that the student answers yes to "Have you removed all materials cited in the complaint, as well as all other materials on your personal computer, for which you do not have appropriate permission?"
- c. If the student passes the quiz within 24 hours, they get a confirmation and the incident is closed and no further action is taken.
- d. If the student takes the quiz within 24 hours but they fail, they get an email confirmation, their personal computer is blocked from accessing the IU network, and they are referred to the Office of Student Ethics.
 - i. Access to the IU network, once blocked, cannot be re-enabled until the student passes the quiz. The quiz may be attempted multiple times in order to re-enable access to the network, but the referral to the disciplinary authority is not revoked.
- e. If the student does not take the quiz within 24 hours, they are sent an email confirmation, their personal computer is blocked from accessing the IU network, and they are given two more weeks to take the tutorial and quiz.
- f. If the student takes and passes the quiz after 24 hours but within the following two weeks, they are sent an email confirmation, their access the IU network is re-enabled.
- g. If the student doesn't pass the quiz between 24 hours and the following two weeks, or if they take the quiz during that time and they fail, they are referred to the Office of Student Ethics.
 - i. Access to the IU network, once blocked, cannot be re-enabled until you pass the quiz. The quiz may be attempted multiple times in order to re-enable access to the network, but the referral to the disciplinary authority is not revoked.

2. Second offense:

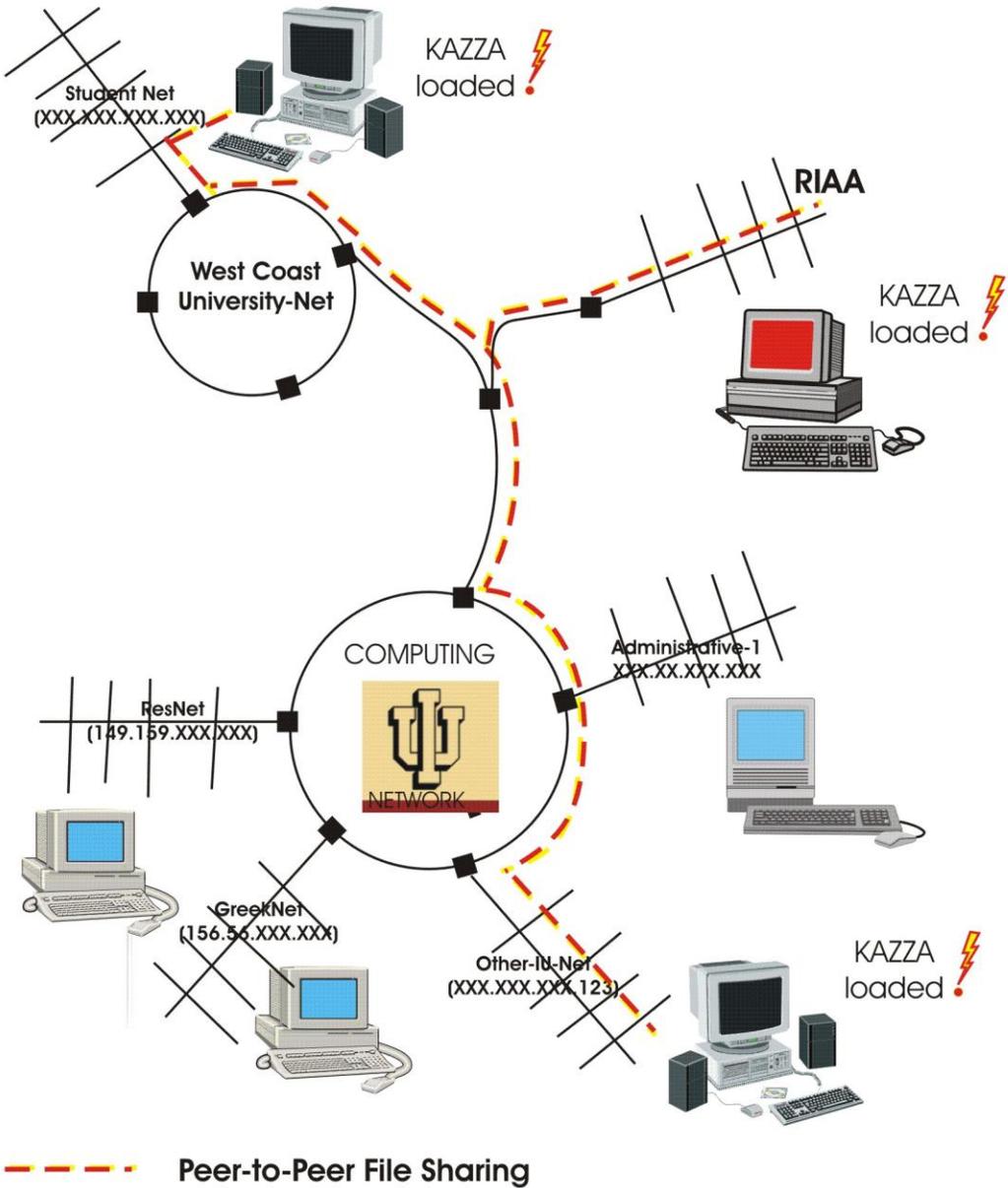
- a. The student's computer is blocked immediately from accessing the IU network and remains blocked for two weeks.
- b. The student is referred to the Office of the Student Ethics.
- c. The student is sent a "Second Offense" email, including a copy of the complaint from the copyright holder, and directions to the online tutorial.
- d. Access to the IU network may be re-enabled after the two week period if the student passes the quiz -- the quiz may be attempted multiple times in order to re-enable access to the network, but the referral to the disciplinary authority is not revoked.

3. Third offense:

- a. The student's computer is blocked immediately from accessing the IU network, and remains blocked indefinitely.
- b. The student is sent a "Third Offense" email, including a copy of the complaint from the copyright holder.
- c. The student is referred to the Office of Student Ethics.



A BIRD'S EYE VIEW OF PEER-TO-PEER FILE SHARING



Options for involving IU (or IU students) in legitimate online music services.

These options would NOT affect our current procedures, nor could they cause us to restrict use of particular applications on the part of students. Doing so is a losing battle, because any restrictions can be circumvented or become ineffective over time.

Students current have an upper limit on the amount of traffic they can send onto ResNet (256kps, with a 100kps burst allowed).

1. Do nothing. Our current program satisfies our obligations under the law, and also has components that further attempt to educate students about the issues. Students can certainly choose to subscribe to various available music services on their own.
2. Investigate/review various music services, and publish this information for student consumption (this would be an excellent opportunity for a student group, with a faculty advisor, and with Bruhn as a consultant?)
3. Engage in discussions with a music service (perhaps more than one) in an attempt to get a good fee break for their services, without any other formal involvement by the University -- that is, no formal contract between IU and the service. IU merely negotiates with the service and then advertises the chosen service and negotiated rates to students, but doesn't guarantee any customer base to the company. (Again, this might be a great opportunity for students to get involved, with a faculty or staff advisor.)
4. Engage in conversations and subsequently formally contract with a music service for students, using fees derived from a voluntary student activities fee.
5. Engage in conversations and subsequently formally contract with a music service for students, using fees derived from a mandatory student activities fee. Again, choice and involvement of students would seem critical, and of course the activity fee requires formal adoption/approval.

Penn State University and University of Rochester have both contracted for services on behalf of their students.

PSU allocated part of the mandatory student Technology fee, and the services afforded to the students under their agreement with Napster II are limited/restricted. We don't yet have any detail on the arrangements made at Rochester.

(IU's technology fee is entirely consumed, and using it for contracting a music service is not possible -- serious cuts in valuable IT services would result.)