

Digital Millennium and Copyright Policy

POLICY INFORMATION

Policy#:

Original Issue Date: 5/26/2017

Current Revision Date: 9/17/2018

Initial Adoption Date: 5/26/2017

RESPONSIBLE OFFICE

Title	Department

SCOPE

Constituency	Locations
(Select all that apply)	(Select all that apply)
<input checked="" type="checkbox"/> Staff	<input checked="" type="checkbox"/> Hyde Park
<input checked="" type="checkbox"/> Faculty	
<input checked="" type="checkbox"/> Students	
<input type="checkbox"/> Visitors	

A. PURPOSE

This policy is intended to set forth the vision and practical procedures for ensuring that its use of copyrighted materials on the Internet is legal and appropriate. These provisions include those required to limit liability under the federal Digital Millennium Copyright Act of 1998 (DMCA) for potential copyright infringements.

B. POLICY STATEMENT

The Clinary Institute of America (CIA) respects the rights of copyright holders, their agents and representatives, and strives to protect those rights through compliance with copyright law prohibiting the reproduction, distribution, public display or public performance of copyrighted materials over the Internet without permission of the copyright holder, except in accordance with fair use or other applicable exceptions. The CIA also respects the legal and appropriate use by individuals of copyrighted materials on the Internet, including but not limited to ownership, license or permission, and fair use under the United States Copyright Act.

The CIA asserts its interest in the safe harbor from copyright infringement liability afforded by compliance with the Digital Millennium and Copyright Act (DMCA). The CIA has established procedures required to ensure compliance with the DMCA, as set forth in the Digital Millennium and Copyright Act Policy.

Employees and Students are responsible for understanding and complying with the rights of copyright owners in their use of copyrighted materials. Information can be found at the United States Copyright Office.

Unauthorized peer-to-peer file sharing on the CIA networks is prohibited and blocked by bandwidth-shaping technology. Violations of copyright law or this policy, including the use of technology to circumvent the blocking of peer-to-peer file sharing, may subject employees and students to disciplinary action, including but not limited to termination of network privileges, well as civil and criminal liabilities. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or fixed damages from \$750 to \$30,000 per work infringed. For willful infringement, a court may award up to \$150,000 per work infringed. A court may also assess costs and attorneys' fees. Willful copyright infringement may result in imprisonment of up to five years, and fines of up to \$250,000 per offense.

When properly notified of the potential copyright infringement, the CIA may, but does not have to, attempt to determine if the use of the materials in question complies with copyright law. The CIA will make reasonable efforts to contact the site or page owner of the materials in question to arrange for the materials in question to be taken down. Alternatively, the CIA will promptly disable access to the materials in question, unless it has been determined that the use is lawful.

The owner of the site or page of the allegedly infringing material, whether it is the CIA or an individual other than the CIA (the user) may exercise their counter notice procedure rights set forth below.

IV. Counter Notice Procedures

After voluntary take down or access to the material in question is disabled, the CIA may, but does not have to, proceed to counter notification on behalf of its Employees and Students. Counter notification must be made in writing to the Designated Agent.

A counter notice may claim only either that the complaining party is mistaken in concluding on the basis of fair use, and the material in question is lawfully posted; or that the material in question has been misidentified.

The counter notice to the Designated Agent must contain:

- 1.

F. RESPONSIBLE CABINET MEMBER

Chief of Staff

G. RELATED DEMONSTRATION OF SUPPORT FOR THE PRESIDENT AND VICE PRESIDENT