

Copyright Legal Lingo

This is a quick guide to a few legal terms, phrases, and responsibilities assigned to universities, copyright owners, and computer owners in cases of alleged copyright infringement. This is NOT intended to be used as legal advice or counsel. If you require further understanding of these terms and copyright law, you are advised to consult with a licensed attorney.

Digital Millenium Copyright Act (DMCA)

Passed by the U.S. Congress in 1998, this act includes, among other things, provisions defining university responsibilities as an Internet Service Provider (ISP) and the steps that universities must take to limit liability for violations of copyright laws that occur on their networks. To limit their liability, the DMCA requires universities to take certain steps to ensure that illegal file sharing or other copyright violations occurring on their computer network have been stopped.

DMCA Take-Down Notice

This is the letter that music and entertainment organizations send to universities after the organization has traced alleged illegal downloading or sharing (uploading to the Internet) of copyrighted materials, including music, videos, images, games, and software, to a computer on the university's network. The notice includes the computer IP address, a list of the materials that were allegedly downloaded or uploaded on that computer, and the time and date when the alleged offense occurred. Once received, the University must take action to ensure that the content is not available via its network. The University will generally disconnect computers hosting such content from the network until the content is removed or, in the case of University owned servers, work with the individual responsible for the content to remove it.

Infringement Notice with Settlement Offer

This is a notice that is sometimes sent to universities from legal representatives of a music and entertainment organization, typically the RIAA. The notice alleges that a computer owner has violated copyright laws and requests that the university relay a settlement-offer notice to the computer owner in advance of pending or imminent legal action. The notice includes the IP address of the offending computer and a list of materials that were allegedly downloaded or uploaded from that computer in violation of copyright laws.

Syracuse University matches the IP address with the computer owner and forwards the settlement offer along with a recommendation that the student, faculty, or staff member seek legal counsel. The University does not reveal the name of the computer owner to the complaining organization.

Subpoena

This is a document that is obtained from a state or federal court that orders the recipient to take a specific action. Legal representatives of the music and entertainment industries sometimes obtain subpoenas to force universities to disclose the name of the owner of a computer, which has allegedly been engaged in illegally downloading or uploading copyrighted materials. Syracuse University is in most instances legally obligated to comply with court-ordered subpoenas.