

RIAA Copyright Infringement

Important Message Regarding the Recording Industry Association of America (RIAA) "Settlement Letters" and "Preservation Notices"

Copiah-Lincoln Community College acts as an ISP (Internet Service Provider) for dorm students and provides general lab usage for students and members of the public and supports systems for administrative use where access to the Internet is provided by the College. As a student, staff or faculty Co-lin account holder or system user, you are subject to all applicable policies, including those relating to copyright infringement.

The Recording Industry Association of America (“RIAA”) is a trade group that represents major U.S. recording industry companies. The RIAA identifies IP addresses that allegedly have been used in violation of RIAA members’ copyrights (“Alleged Infringer”).

Seeking to enforce the copyrights of its member record companies, the RIAA contacts the ISP that provides service for those IP addresses and notifies the ISP of any alleged violations of the Copyright Act. The RIAA has also recently employed more aggressive means of policing music piracy. The RIAA sends "preservation notices" to ISPs requesting that the ISP preserve contact information about the Alleged Infringer. The RIAA then requests that the ISP forward "settlement letters" to the person associated with the IP address if it is practicable to make that association given that static IP addresses are not assigned to students or individual machines on campus.

Upon receipt of a copyright violation notice, The Technology Department will attempt to contact Alleged Infringers and notify them of the allegation. As a matter of internal College policy, each student or other Alleged Infringer must cease all illegal file sharing activity and delete any copyrighted material from their computer. In addition, the student or Alleged Infringer is required to sign a document stating his/her understanding and acknowledgement of the process.

Copiah-Lincoln Community College responds to Digital Millennium Copyright Act (“DMCA”) notices of infringement as required by federal law.

DMCA Notice "Settlement Letters"

If the College receives an RIAA notice with a "settlement letter" attached, it will treat the letter as a DMCA notice provided it satisfies the requirements of the law. Consistent with current practice, the College will forward the "settlement letter" together with the standard DMCA notice letter to the account holder.

DMCA "Preservation Notices"

If the college receives a "preservation letter," which requests the holding of basic contact information for the account holder but does not meet all the elements of a DMCA notice, the College will preserve the requested information and simply forward the letter to the account holder for his or her information. The account holder would then know that the RIAA has identified him or her as an Alleged Infringer and would have the option of agreeing to settle the

matter with the RIAA within the prescribed time period. Again, unless served with a proper subpoena, Copenh-Lincoln Community College would generally not release the contact information based on the preservation notice alone.

Copenh-Lincoln Technology Department does not routinely monitor its network for content and does not generate DMCA notices. Copenh-Lincoln is not a party to these matters. If an account holder receives one of these "settlement letters" or "preservation notices", he or she has the sole responsibility to decide how (if at all) to respond to the RIAA and whether to consult with legal counsel before making a decision.

In addition to the RIAA, many content owners send DMCA notices to ISPs for videos, movies, games and software that have allegedly been infringed. Content owners and their representatives such as the RIAA have become increasingly vigilant and technologically sophisticated in monitoring file sharing on the Internet.

Students are reminded that copyright infringement is illegal and violates Copenh-Lincoln policy. In addition, penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

If you have specific questions about this message, please email jp.mcinnis@colin.edu.

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