

3.3 Copyright Infringement Procedure

Effective Date: October 4, 2025

Revised Date: October 4, 2025

1. Purpose

This procedure establishes Arkansas State University's official process for responding to digital copyright infringement notices in compliance with the Digital Millennium Copyright Act (DMCA). It defines the steps ITS and Legal Counsel must take upon receipt of a notice, ensuring institutional compliance and protection under the DMCA's "safe harbor" provisions.

2. Scope

This procedure applies to all faculty, staff, students, and affiliated users of the Arkansas State University network and computing resources. It covers all forms of digital material, including video, audio, software, and written works distributed or stored through university systems or networks.

3. Background

The Digital Millennium Copyright Act (DMCA) establishes federal protection for copyrighted digital and electronic materials. Under the Act, copyright owners or their agents may submit infringement notices to Internet Service Providers (ISP's) alleging unauthorized distribution or use of protected content.

At Arkansas State University, copyright infringement notices are received by University Legal Counsel, which then coordinates with Information Technology Services (ITS) to identify and notify the alleged offender.

The University maintains a "safe harbor" from liability when it acts promptly to notify alleged infringers and remove or restrict access to infringing materials.

4. Standard Requirements

- All copyright infringement notices received by the University must be processed through Legal Counsel and ITS.
- ITS must investigate and resolve the notice within 24 hours of receipt by identifying the associated IP address, time stamp, and registered network user.

- Users found in violation will be notified in writing and provided instructions to remove or dispute the alleged content within ten (10) business days.
 - Users who fail to respond or remove the material within the specified timeframe will be considered in violation of the [A-State Appropriate Use Policy](#) and may face disciplinary action and/or legal consequences.
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5. Copyright Infringement Notice Processing

The following steps outline how Arkansas State University processes copyright infringement notices under the DMCA:

1. **Receipt of Notice**

Copyright infringement notices are submitted electronically by plaintiffs (copyright owners or their agents) to a published email address managed by **University Legal Counsel** or **Information Technology Services (ITS)**.

2. **Identification of Offense**

Legal Counsel (if originally notified) forwards the notice to ITS for identification of associated user(s). ITS resolves the reported IP address and time stamp to identify the registered user of the university device or asset associated with the alleged infringement.

3. **Notification to User**

1. **For students:** ITS will notify the Vice Chancellor for Student Affairs/Dean of Students. A formal written notification to the alleged offender within 24 hours of receipt. See Appendix A for sample e-mail.
2. **For faculty and staff:** ITS or HR will issue a formal written notification to the alleged offender within 24 hours of receipt. See Appendix A for sample e-mail.
3. In all instances, the notification includes the copyrighted media title, IP address, and the time of the recorded infringement.

4. **Response Timeline**

The user has ten (10) business days to remove the copyrighted material or submit a counter-notification asserting that the use is protected under fair use, license, or another legal exemption.

5. **Enforcement**

1. **First Offense:** Written warning and educational notice from Student Affairs (or ITS).
 2. **Second Offense:** Immediate suspension of network and internet access until the matter is resolved through appropriate disciplinary channels as identified by Student Affairs (and HR where applicable for faculty/staff).
 3. **Repeated or Egregious Offenses:** May result in referral to Legal Counsel for further legal action (if applicable).
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6. Compliance and Enforcement

Failure to respond to a copyright infringement notice may result in network suspension and referral for disciplinary or legal action. A-State maintains compliance with the DMCA and the A-State Appropriate Use Policy, ensuring the University's eligibility for safe harbor protection under federal

law. Continued violations may lead to permanent network access revocation or further institutional sanctions.

7. Standards Review

This document will be reviewed and reaffirmed annually, or upon significant changes to university IT governance, systems, or regulatory requirements.

Effective Date: October 4, 2025

Next Review Date: October 4, 2026

Version: 2.0

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Appendix A - Sample E-Mail to User

The following notice is provided to the accused from the University on the first offense.

Subject: Copyright Infringement Notice - Action Required

Dear Account Holder,

Arkansas State University has received notice of an alleged violation of the Digital Millennium Copyright Act (DMCA) by downloading protected materials, which has been traced back to your computer. A copy of the notice is enclosed at the bottom of this message.

Within ten (10) working days, you must respond to this email (with copy to CIO@AState.edu) by either:

1. Confirming that the offending materials have been removed from your computer; or
2. Filing a counter-notification asserting that your use of the identified materials does not violate copyright laws.

If you believe the factual allegation in the DMCA notice (e.g., that copyrighted materials were downloaded to your computer) is inaccurate, you must respond to this email (with copy to CIO@AState.edu) with an explanation of what facts you dispute and your basis for such dispute. Failure to respond to this notification within the prescribed time period will be treated as an admission of wrongful downloading in violation of the [Appropriate Use of Information & Technology Resources 3.05 - ASU System](#). Failure to respond, could subject you to legal action filed by the copyright owner.

A repeat offense will result in suspension of network access and referral for appropriate disciplinary action.

Revision #6

Created 2025-10-14 19:02:37 UTC by Christopher Boothman

Updated 2026-07-28 19:16:45 UTC by Jacob Weaver