

Division:	Technology and Computing Services	Effective Date:	12/19/2005
Department	Information Security	Last Revised:	12/22/2005
Version:		Next Annual Review:	12/19/2006
Approved By:	Interim Policy by Administrative Team	Date Passed Senate:	
		Date of ESU President's Approval:	

Digital Millennium Copyright Act Policy

Policy Objectives

This policy sets forth University policy with regard to the Digital Millennium Copyright Act ("DMCA") and specifically 17 U.S.C. Section 512(c). Emporia State University ("ESU") respects the rights of holders of copyrights, their agents and representatives and implements appropriate policies and procedures to support these rights without infringing upon the legal use, by individuals, of those materials.

Policy

It may be a violation of copyright law to copy, distribute, display, exhibit or perform copyrighted works without authority of the owner of the copyright. It is ESU policy that users of Internet services and equipment provided by ESU are responsible for their compliance with all copyright laws pertaining to information they place on or retrieve from the Internet. Information on copyright law and these rights can be found in a number of places, but general information can be found by visiting the following sites:

- [United States Copyright Office](#)
- [Digital Millennium Copyright Act \(DMCA\)](#)

Designated Agent

ESU's Designated Agent to receive notifications of alleged infringement under the DMCA is:

Information Security Officer
Emporia State University
1200 Commercial Campus Box 4018
Emporia, Kansas 66801
Voice 620-341-1200
Fax 620-341-5662
Email iso@emporia.edu

Upon receipt of proper notification of claimed infringement, ESU will follow the procedures outlined herein and in applicable law.

Complaint Notice Procedures for Copyright Owners

The following elements, as set forth in 17 U.S.C. 512(c)(3), must be included in the DMCA copyright infringement claim:

1. An electronic or physical signature of the copyright owner or a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
2. Identification of the copyrighted work claimed to have been infringed, or if multiple copyrighted works at a single online site are covered by a single notice, a representative list of such works at that site.

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3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit ESU to locate the material.
4. Information reasonably sufficient to permit ESU to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
5. A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
6. A statement that the information in the notice is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Failure to include all the above information may result in a delay of the processing of the DMCA notification.

Responsibilities

All individuals who use ESU Internet services are responsible for their compliance with copyright laws. All instances of reported copyright violations will be reported to the appropriate University authority in accordance with the ESU Policy Manual and the Acceptable Use Policy for possible disciplinary actions.

Notice and Takedown Procedure

Upon the Designated Agent's receipt of proper notification of claimed copyright infringement, the Designated Agent will attempt to notify the user and Technology and Computing Services (TCS). TCS shall respond expeditiously by removing, or disabling access to, the material that is claimed to be infringing or to be the subject of infringing activity. ESU will comply with the appropriate provisions of the DMCA in the event a counter notification is received.

Repeat Infringers

Under appropriate circumstances, TCS may, at its discretion, terminate authorization of users of its system or network who are found to intentionally or repeatedly violate the copyright rights of others.

Scope

This policy applies to all users of the Internet Services provided by ESU.

Enforcement

The Information Security Officer is responsible for monitoring and reporting compliance with this policy.

Exceptions

The President or designee must approve exception to this policy.