

THOMAS M. COOLEY LAW SCHOOL
INSTITUTIONAL PLAN TO
COMBAT THE UNAUTHORIZED DISTRIBUTION OF
COPYRIGHTED MATERIALS THROUGH ILLEGAL DOWNLOADING
OR PEER-TO-PEER DISTRIBUTION OR FILE SHARING
OF INTELLECTUAL PROPERTY

July 1, 2010

The unauthorized distribution of copyrighted materials through illegal downloading or peer-to-peer distribution or file sharing of intellectual property on Cooley's network is prohibited.

In compliance with the Higher Education Opportunity Act of 2008 and certain implementing regulations promulgated by the U.S Department of Education, Thomas M. Cooley Law School establishes this plan to combat the unauthorized distribution of copyrighted materials through illegal downloading or peer-to-peer distribution or file sharing of intellectual property on Cooley's network. The intent of this plan is to inform Cooley students and employees of the appropriate versus inappropriate use of copyrighted material on the network and to deter, detect and, where necessary, punish prohibited use, without unduly interfering with the educational and research use of Cooley's network.

A. Deterrent

Cooley's Information Technology Department has in place and will employ certain technologically based systems designed to monitor the use of Cooley's network to detect possible unauthorized distribution of copyrighted materials. Those systems will attempt to stop the suspected unauthorized distribution of copyrighted materials, will inform the suspected network user that a possible violation has been detected, and will refer the matter to the appropriate responsible authority within Cooley of the possible violation for follow up investigation and disciplinary action if necessary. Where the network user is a student, the matter will be referred to conduct@cooley.edu for handling pursuant to the Student Honor Code. Where the network user is an employee, the matter will be referred to hr@cooley.edu for handling pursuant to employee policy. The Information Technology Department will serve as a resource to the responsible authority to assist in any investigation. Any Digital Millennium Copyright Act notices received by Cooley suggesting a copyright infringement will be referred to the Office of General Counsel for handling and response as may be warranted.

B. Educating and Informing the Cooley Community

Cooley will inform members of the Cooley community of appropriate versus inappropriate use of copyrighted material on the network. Cooley will also, to the extent practicable, offer alternatives to the illegal acquisition, downloading, or peer-to-peer

distribution or file sharing of copyrighted materials, as determined by Cooley in consultation with the Associate Dean of Innovation & Technology/Chief Information Officer and other relevant officers of the Law School.

Specifically, Cooley will provide students and employees with the following notice:

The unauthorized distribution of copyrighted material, including illegal downloading or peer-to-peer file sharing, is prohibited, is a copyright infringement, is a violation of Cooley policy and law, and may subject the offender to student sanctions through Cooley's Honor Code, employee discipline through Cooley's Office of Human Resources, and civil and criminal liabilities.

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes copyright infringement.

You could jeopardize your legal career or your employment through illegal downloading. Both the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA) have web sites that list legal alternatives to illegal peer-to-peer file sharing. For more information on legal alternatives, please visit the following sites:

RIAA site:

http://www.riaa.org/toolsforparents.php?content_selector=legal_music_sites

MPAA site:

<http://www.mpaa.org/contentprotection/get-movies-tv-shows>

You could be subject to civil liability or criminal penalties for illegal downloading and other copyright infringement. 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 for 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.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

Cooley will provide this information to students and employees in ways reasonably calculated to inform them of their responsibilities under Cooley policy and the law, including through posting on the Cooley employee and student portal, on the Cooley website, and in Cooley's network use policy. Cooley will also notify students and employees at least once annually of this material via e-mail or other electronic means, with a specific link to the material posted on the portal or website. Cooley will make this material available in paper copy on request.

C. Assessment

Cooley will periodically review and assess the effectiveness of this plan in combating the unauthorized distribution of copyrighted materials by users of Cooley's network. The review will be conducted by the Office of Programs, Planning and Assessment, which will work with Information Technology Department, the Office of the General Counsel, and other relevant offices to assess the results of the plan and determine whether the assessment criteria are sufficient or should be changed. Those criteria will include a review of bandwidth use or other indicators of electronic traffic in Cooley's network relative to current or historical network use; review of Cooley's handling of any suspected infringement including any student Honor Code or employee disciplinary matter pertaining to unauthorized distribution of copyrighted materials; review of any Digital Millennium Copyright Act infringement notice received by Cooley and Cooley's response; review of best practices employed by comparable institutions or as suggested by copyright owners; and review of the information and notification materials made to students and employees to make sure that those materials are up to date. The results of this assessment will be made to the President and the Office of the General Counsel.