

The Digital Millennium Copyright Act and the Emerson Community. By Margaret Sanford

With the increasing number of College and University students finding themselves involved in infractions of the Digital Millennium Copyright Act during the past weeks, the Emerson College Information Technology department thought it would be a good idea to review the Act, and how it relates to us. The Digital Millennium Copyright Act (DMCA), passed by Congress in 1998, makes the distribution of copyrighted materials over the Internet a violation of federal criminal law, unless the distributor (any server including your computer) holds the copyright. The DMCA also holds Internet service providers (ISPs) responsible for stopping these copyrighted materials from being illegally shared over their networks once they are made aware of the infraction by the copyright holder or its appointed representatives. Since Emerson College provides Internet access to students living in the Residence Halls, we qualify as an ISP under the DMCA.

Most of the music, games or videos downloaded through file-sharing programs like Morpheus or KaZaA lack the permission of the copyright owner to be made available through those channels. Moreover, software which enables you to download copyrighted and other files, can – without your knowledge -- automatically open file-sharing services from your computer. Thus, without your knowing it, your computer can be programmed to share the contents of your hard drive back out into the international Internet community. You could then be doubly liable in the eyes of the DMCA, even if all you did was download a single song.

For the average student who is downloading and serving copyrighted files without permission of the owner the odds that they will be arrested, fined \$30,000 and sent to federal prison are probably quite small. However, the recreational downloading of copyrighted materials is not without its consequences. It is a violation of both federal law and Emerson College policy; and it is a law enforced not only by federal investigators, but also by the owners of copyrighted materials.

Emerson College has received more than four times the number of notices from copyright holders this year than at this same time last year, and, recently we have learned that some of the major movie studios are hiring technology companies to help them enforce the DMCA, so we expect the volume of these notices to increase. Oftentimes, these notices come from software or entertainment industries that specifically focus their scanning on university and college networks for certain games, movies, songs or videos, usually the most currently popular. They make this sharp focus because these populations have been found to be hotbeds of illegal file sharing activity. The DMCA makes Internet service providers, such as Emerson College, responsible for reacting to official notices of copyright violations. Consequently the College must take swift action so that the infringing material is removed once we receive notice of the activity.

What can you do about it? Simple, don't download copyrighted material for which you do not have the owner's permission. Moreover, if you have file-sharing programs on your computer, ensure that you are only sharing files authored by you, such as your own

digital-artwork, music and writing. Finally, if you don't like, or disagree with the law, learn more about and take a stand on it in the arena of national politics. With implications for free speech and academic inquiry, it might just become the political issue of your generation.

This statement draws heavily upon the following document: Cornell University's Important Information about Using the Cornell Network to File-Share and Download Music, Games and Videos.