

# **CAMPUS**DOWNLOADING

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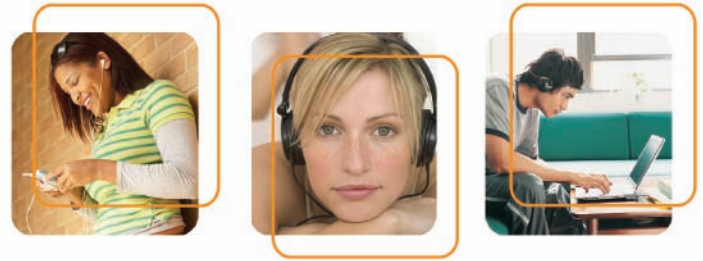
PROTECT YOURSELF. DO IT LEGALLY.



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We all love what music adds to our lives, especially today's college students.

Music in many ways defines who they are and their familiarity with technology allows them to individualize their music collections and playlists...



## **CAMPUS**DOWNLOADING

PROTECT YOURSELF. DO IT LEGALLY.

Many college-aged young people see unauthorized music downloading as harmless and don't fully understand its consequences. Illegal downloading presents a serious issue on college campuses and can be costly to the university administration in terms of resources such as excessive use of bandwidth and time spent on responding to infringement notices.

Considerable progress has been made in the growth of legitimate music services, the adoption of technological measures and education and enforcement programs on campuses. Use of legitimate services on campus has grown exponentially. Nearly 130 universities offer their students access to a legal music service and a substantial increase of additional schools joining this list is expected by the fall semester.



## What Colleges and Universities Need to Know About Illegal File-Sharing

### 1. What is peer-to-peer (P2P) file-sharing?

P2P technology enables millions of computer users around the world to find and trade digital files with each other. By using a P2P computer program, a user can scan the hard drives of millions of people and instantly acquire (download) content with the click of a mouse. At the same time, that user can enable the millions of people on the P2P network to copy the contents of his or her hard drive. Unlike email or instant messaging, P2P enables the transfer of billions of files among millions of people without knowledge of identity or even location. It is, essentially, a massive listing and public warehouse of digital content.

### 2. What is the concern?

While P2P technology itself can be used for legitimate purposes, the widest use of P2P networks to date has been to trade copyrighted music, movies, pictures and software. From a legal standpoint, this activity usually violates copyright holders' exclusive rights to copy and distribute their works. From a practical standpoint, this activity threatens the entertainment industry's ability to succeed in the evolving digital marketplace. Such higher transfer speeds are already present on many college and university networks.

### 3. Why should college and university administrators care about this problem?

As some of the largest creators and developers of intellectual property, colleges and universities certainly have a stake in the enforcement of intellectual property laws. As with the entertainment communities, institutions of higher education place great value on their works and expect others similarly to respect their efforts. Universities are in the best position to educate young adults about the true value of intellectual property, and about their moral and legal responsibilities. In addition, administrators should be aware that:

- P2P file-sharing of commercial music and videos likely violates the institution's computer usage policies;
- P2P file-sharing takes up valuable network bandwidth;
- P2P file-sharing threatens institutional networks and computers with malicious viruses, spyware, and other malware commonly found on these networks; and
- Handling of infringement notices from copyright holders and requests for information related to lawsuits brought against students can be a costly administrative burden. (Over the past two years, the music industry has sent tens of thousands of infringement notices to more than 1,000 universities. In addition, more than 1,000 lawsuits have been brought against students at over 130 universities.)



#### *4. What steps can colleges and universities take to address this problem?*

Response to illegal P2P file-sharing generally takes the form of awareness, education, enforcement, implementation of technological measures, and adoption of legitimate online content services. Suggestions include the following:

- Develop programs and orientation materials to educate students of their moral and legal responsibilities to respect the rights of copyright owners and to make clear what practices are, and are not, acceptable on the institution's network.
- Impose effective disciplinary sanctions against violators of institutional policies and the law.
- Adopt filters and other network technologies to detect and prevent infringing activity. Audible Magic, Enterasys and Red Lambda are some of the companies that offer services to colleges and universities to detect and block such illegal activity. Contact information is attached.
- Adopt legal content delivery services—such as Napster, Ruckus, and Cdigix—on campus to provide a legitimate alternative to stealing.

In addition, administrators should be aware that students often establish internal file-sharing systems on their institution's local area networks (or "LANs"), enabling students to trade copyrighted files without accessing the

public Internet. This activity, while limited to the institution's own systems, is no less illegal and presents many of the same problems as larger P2P systems.

#### *5. Where can I find more information about P2P file-sharing on campus?*

- The Joint Committee of the Higher Education and Entertainment Communities has published a White Paper describing the legal liabilities associated with infringing P2P file-sharing. It can be found at [www.acenet.edu/AM/Template.cfm?Section=Search&section=Legal\\_Issues\\_and\\_Policy\\_Briefs1&template=/CM/ContentDisplay.cfm&ContentFileID=1082](http://www.acenet.edu/AM/Template.cfm?Section=Search&section=Legal_Issues_and_Policy_Briefs1&template=/CM/ContentDisplay.cfm&ContentFileID=1082) A revised edition of this White Paper is planned for release in the fall of 2006.
- In December 2005, Co-Chairs of the Joint Committee Cary Sherman (President, Recording Industry Association of America) and Graham Spanier (President, Pennsylvania State University) wrote an op-ed piece published in the *Chronicle of Higher Education* entitled "Thou Shalt Not Pirate Thy Neighbor's Songs." See <http://chronicle.com/temp/reprint.php?id=vd0wnq6ll38tnvshf9ls6mhq8kt3gvcb>

In September 2005, the U.S. House of Representatives Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on "Reducing Peer-To-Peer (P2P) Piracy on University Campuses: A Progress Update." Witness testimony, transcripts, and related material can be obtained at, <http://judiciary.house.gov/Oversight>.



## 6. What technologies and services are available to colleges and universities to address this issue?

### Network Monitoring and Selective Screening Technology Companies

**Vendor:** Audible Magic ([www.audiblemagic.com/products-services/copysense](http://www.audiblemagic.com/products-services/copysense))

**Device:** CopySense

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**Vendor:** Red Lambda ([www.redlambda.com](http://www.redlambda.com))

**Device:** cGrid

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**Vendor:** Enterasys ([www.enterasys.com](http://www.enterasys.com))

**Device:** Dragon

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### Legal Online Content Providers

**Vendor:** Napster ([www.napster.com/napster\\_on\\_campus.html](http://www.napster.com/napster_on_campus.html))

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**Vendor:** Cdigix ([www.cdigix.com](http://www.cdigix.com))

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**Vendor:** Ruckus ([www.ruckus.com](http://www.ruckus.com))

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**Vendor:** Yahoo! Music (<http://music.yahoo.com/unlimited/>)

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**Vendor:** PassAlong ([www.passalong.com](http://www.passalong.com))

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### Additional educational information and resource links on downloading music:

- [Campusdownloading.com](http://Campusdownloading.com)
- [Musicunited.org](http://Musicunited.org)

### CyberPilot's License

The CyberPilot's License is dedicated to the study of web ethics and the development of healthy online learning environments. Students, teachers, parents and policymakers are welcome to join our discussion forums, examine online resources, and help create an archive of educational materials.

### Netmonkey

Convicted copyright pirate Mike Nguyen has created a site to educate young people about the risks of on-line piracy. This site contains a downloadable copy of "Net Monkey Weekly" an entertaining and informative newsletter directed at children, which addresses the ills of piracy.

### National CyberEducation Project

The Media Institute and the University of Richmond Law University have produced, What Do You Think?, a documentary on intellectual property and file-sharing. The documentary will be used as part of the Copyright Roadshow and other programs with their National CyberEducation Project. To find out more or to get a personalized response to questions about the documentary or the issues it addresses please call, 804-289-8681.



### **Pro Music**

Pro Music is an international website that supports legitimate online services and provides information about copyright laws as well as artists speaking out about piracy.

### **What's The Download?**

“What’s the Download”, a comprehensive public education campaign created by The Recording Academy, strives to empower consumers to make informed, ethical and legal decisions when getting their music through digital technology while understanding the part they play in the future of music.



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