

UC Davis Policy and Procedure Manual
Chapter 250, Intellectual Property
Section 05, Digital Millennium Copyright Act

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Responsible Department: Office of Research—Technology Transfer Services

Source Document: UC Copyright Policies

I. Purpose

This section identifies campus resources and policy related to the Digital Millennium Copyright Act (DMCA).

II. Definitions

Definitions of copyright terms relevant to this section are found on the [University of California copyright website](#) and the [University of California, Davis copyright website](#).

- A. Internet Service Provider (ISP)—an entity which provides access to the Internet, commonly a business with subscribers. For purposes of this policy, the University of California, Davis, is an Internet Service Provider for those with ucdavis.edu email addresses.
- B. Notification--a statement to an ISP, made under penalty of perjury, that a copyright owner or authorized representative believes that rights to his/her copyright-protected materials were infringed through the ISP. To be valid, a Notification must meet technical requirements of the DMCA.
- C. Counternotification--an individual's optional response to a Notification, made under penalty of perjury, disputing the copyright infringement claim. To be valid, a Counternotification must meet the technical requirements of the DMCA.
- D. Designated Agent--the individual registered with the U.S. Copyright Office as the point of contact for Notifications, Counternotifications, and other DMCA communications on behalf of the ISP.

III. Policy

- A. Copyright-infringing materials traveling through an ISP's network may constitute copyright infringement by the ISP, even if the activity is solely at the direction of its network user and the ISP is unaware.
 - 1. The DMCA provides an ISP a "safe harbor" from legal liability for the ISP's user's infringing acts so long as the ISP meets several requirements.
 - 2. It is university policy to meet those requirements so as to exempt itself from liability for the activity of its network users.
- B. The university will comply with legally valid subpoenas requesting the identification of campus network users related to alleged copyright infringement.
 - 1. A DMCA Notification is not a required first step.
 - 2. The university will make best efforts to notify the individuals subject to the subpoenas prior to turning over the information; however, failure to keep the university informed on current contact information may make this impossible.
- C. All campus activity related to the Digital Millennium Copyright Act will be coordinated through the campus [Designated Agent](#).
- D. Individuals are responsible for copyright compliance in the course and scope of their employment (see also [Section 250-01](#)).

IV. Procedures

- A. Anyone who believes his/her copyrights have been infringed via a University of California, Davis server may send a Notification to the Designated Agent.
- B. The Designated Agent will review the Notification for validity and, if valid, will work with University network operations staff to expeditiously block access to the identified material.
 - 1. Blocking access may be accomplished in various ways including shut down of the NAM through which the alleged infringement occurred, blocking the UC Davis user-id of the individual whose computer allegedly engaged in the infringement, or blocking the computer's MAC address to keep the computer offline altogether.
 - 2. Action will be in the least disruptive way practical at the discretion of the Designated Agent.
- C. Information relating to a particular Notification may be referred to campus authorities, including but not limited to Student Judicial Affairs, Network Operations Center, Chief Compliance Officer, Campus Counsel, or departmental network and human resources staff, for review relating to campus policies.
- D. An individual subject to a Notification who wishes to file a Counternotification should send it to the Designated Agent at DMCA@ucdavis.edu.
 - 1. The Counternotification must contain the name and contact information of the individual and his/her consent to the jurisdiction of the federal courts. Students must also specifically consent to the University's release of their personal information.
 - 2. Submission of a Counternotification to the Designated Agent authorizes the Designated Agent to forward it to the Notification's sender.
 - 3. Upon receipt of a valid Counternotification, the Designated Agent will direct computer resource staff to repost the allegedly-infringing material in ten days.
 - 4. University employees whose alleged infringing activities were in the course and scope of their employment must contact Campus Counsel first. Others should consider getting legal advice from a private attorney experienced in DMCA matters.

V. Further Information

- A. The [Digital Millennium Copyright Act \(DMCA\) informational listserv](#) is a moderated forum for the free exchange of information and ideas related to the DMCA as it affects the University of California, Davis campus.
- B. For additional information contact the Designated Agent at <http://research.ucdavis.edu/DMCA>.

VI. References and Related Policies

- A. Office of the President
 - 1. [UC Copyright website](#).
 - 2. [UC Digital Millennium Copyright Act, 10/01/1999](#).
 - 3. [Digital Copyright at the University of California](#).
- B. UC Davis Policy and Procedure Manual:
 - 1. [Section 250-01, Copyright](#).

2. [Section 310-23, Electronic Communications – Allowable Use.](#)
- C. Federal law
1. [U.S. Copyright Office.](#)
 2. [U.S. Code, Title 17, Copyrights.](#)
 3. [Digital Millennium Copyright Act summary.](#)