DMCA Complaints

INCIDENT: DMCA Complaints

PROCESS: Once a DMCA complaint has been received, conduct the following:

1. Determine the supporting LSP for the system involved in the complaint.

2. Contact the LSP and provide them a copy of the DMCA complaint. An email copy of the DMCA complaint is fine.

3. Craft an email message to the LSP similar to the following:

SUBJECT: DMCA Complaint

We have received a complaint the computer system identified has been downloading copyrighted materials. The following actions are required:

1. This office will deliver a signed letter advising the user of their responsibilities in answering this complaint so you can deliver it to the user. We also add a copy of the original complaint to the letter as well. The university treats this as an educational issue for a first offense. We need to know who the user for this system is so we can put their name on the letter.

2. If the user believes this is in error we can review the contents of their hard drive. If they would like a forensic review of their system have them review, sign, and date the "Hard Drive Review Request". We'll need a copy of this request when we pick up the hard drive. A normal 40GB hard drive takes a couple of hours to image so we can usually turn it around in a day. We have found machines in the past that were actually compromised and used as a file server for movies and songs. In this case, the user knew nothing about this.

3. If the user does not feel this complaint is in error they must immediately identify and securely remove the files identified in the complaint from their system. They must also remove any other files of a similar nature from their system even if they are not included in the complaint. Once this is complete they need to send an email to erschmid@iupui.edu advising they have removed the files.

Thank you.

{Signature element}
4. Advise ITPO that you have identified the LSP responsible for the system and provided the instructions detailed above.

5. Once the user's name is provided by the LSP add it to the "Notice of Possible Copyright Infringement" letter. Include the "Hard Drive Review Request" form as attachment 1 to the letter. Print the original complaint and add it to the letter as attachment 2. Have the CSO sign the letter.

6. Brief the CIO on the issue.

7. Deliver the signed letter with attachments to the LSP so it can be delivered to the user. Make sure the LSP knows if the user disputes the allegation and would like a review of their hard drive, they must sign and date the "Hard Drive Review Request" form so we can conduct a forensic review of the system.

8. Once the user has removed the files from their system and has provided an email acknowledgement send this acknowledgment to copyright@iu.edu.

9. Log the event for incident tracking purposes.

10. If the user wants a review of their system:

   a. If the user wants a review of their system and has signed and dated the "Hard Drive Review Request" form the LSP should obtain a copy of the request, remove the hard drive, and notify this office so we can pick up the drive and form. This office will conduct an image of the hard drive as soon as is practicable using Encase software and then return the hard drive to the LSP.

   b. Brief the CIO on the user's request to have the hard drive reviewed.

   c. After the image is complete, search the hard drive image for the file types alleged in the complaint. Encase provides an easy capability to do this.

   d. Brief the results of the search to the CIO as necessary.
e. Brief the results of the search to the LSP and the user as necessary. Based on the results of the search, either remove the discovered files or advise ITPO that no such files were found on the system.

11. Update the results of the incident investigation.

Attachments:

a. "Notice of Possible Copyright Infringement" letter template

b. "Hard Drive Review Request" form template

Indiana University School of Medicine

SUBJECT: Notice of Possible Copyright Infringement

{DATE}

To _____________________________:

1. Please respond to this message immediately to confirm that you received it and have taken the action outlined below to resolve the complaint. Failure to respond immediately and appropriately will be cause to disable your network access and to refer this complaint to your Dean or Department Head. Send an email advising you have received this letter and have taken actions to remove the files to erschmid@iupui.edu.

2. We have received a complaint that copyrighted material is being distributed from a computer that our records indicate is registered to your username. A copy of this complaint is below. Distributing copyrighted material without explicit permission from the copyright owner is against the law. Please produce whatever documented permission you have to share the files identified in the manner described in the complaint, and we will send that in response to the
complaint as your "counter notification." If you cannot produce permission, you must immediately delete these files.

***NOTE that we MUST have a written (e-mail) statement on file from you either with your counter-notice (producing permission), or saying that you HAVE DELETED (past tense) the files.***

3. If you do not reply to this message to produce permission or to indicate that you have deleted the files within 24 hours of receiving this notice, we are required by law to disable your network connection, and we will also send a formal report to your Dean or Department Head.

4. While we do not actively search for instances of inappropriate use, we are obligated to investigate complaints of illegal activities or inappropriate use taking place on our network. This particular complaint adheres substantially to the procedural requirements of the Digital Millennium Copyright Act of 1998 (DMCA) and thus Indiana University must take action to remove the offending material from our network.

5. We further direct you to delete any other materials for which you do not have permission to possess or share from any computer under your control that connects to the Indiana University network. This includes, but is not limited to, music, movie, game, software, and other multi-media files. A second substantiated complaint about copyrighted materials located on a computer registered to you will result in your network connection being immediately disabled, without warning, and the complaint will be sent to your Dean for disciplinary action.

6. You should also know that, while in this case the copyright owner chose to send their complaint through IU, copyright owners can also choose to take direct legal action against you. The No Electronic Theft (NET) Act of 1997 provides for serious criminal penalties, and the copyright owners could subpoena the University for information that will identify you. Pleading a lack of knowledge about copyright infringement laws will not excuse you from legal consequences, or from action by the University. It is your responsibility to be aware of the legality of actions you take.

7. To get started educating yourself about copyright law and how it affects you and Indiana University, please see the IU Knowledge Base articles:

"What is the Digital Millennium Copyright Act?" at [http://kb.indiana.edu/data/alik.html](http://kb.indiana.edu/data/alik.html);

"How does Indiana University deal with complaints about copyright violations involving the IU network?" at [http://kb.indiana.edu/data/alii.html](http://kb.indiana.edu/data/alii.html); and

"What should I know to avoid copyright law infringement with digital media?" at [http://kb.indiana.edu/data/ahmf.html](http://kb.indiana.edu/data/ahmf.html).

8. Thank you for your cooperation in this very serious matter.
Eric W. Schmidt, CISSP, CISM
Chief Security Officer
Indiana University School of Medicine
2 Atch
1. Hard Drive Review Request
2. DMCA Complaint

Indiana University School of Medicine
SUBJECT: Hard Drive Review Request

{DATE}

To Chief Security Officer:

I believe that this complaint is in error and I request a forensic analysis of my hard drive in order to refute these allegations. I understand that my hard drive will be removed from my computer for a short amount of time so an image of the hard drive can be completed. After the image is complete the hard drive will be returned.

Signature

Printed Name:

Date: