

# CMU and File Sharing



# CMU's File Sharing History

- 2003-2008
  - Almost 2000 takedown notices
    - Notices of infringement (of any type) sent to our “abuse” email address
    - Required by Digital Millennium Copyright Act
    - Could be P2P related or not

# CMU's File Sharing History

- 2003 – 2008 (continued)
  - 83 Early Settlement Letters
  - Generated by RIAA or their lawyers
  - Threaten to sue if “settlement” not achieved
  - Sent to CMU because individuals cannot be identified (only IP or MAC addresses)
  - CMU's policy is to pass on to the individual associated with that MAC or IP address
  - We do not give advice, other than not to ignore

# CMU's File Sharing History

- 2003 – 2008
  - We received subpoenas requesting identifying information (names, addresses, etc) for around 75% of the recipients of the ESLs
  - We requested (verbal) verification from law firms that the information in the subpoenas was lawfully obtained
  - Once verification was provided, we released the names

# CMU's File Sharing History

- In early 2008, we learned that the RIAA's investigating arm, MediaSentry, was engaging in activities covered by Michigan's Private Investigator Act
  - Collecting forensic data from computers
  - Attempting to determine personal information of certain subjects of its investigations

# CMU's File Sharing History

- MediaSentry's activity called into question whether the information supporting their subpoenas was lawfully gathered
- In turn, we questioned whether the subpoenas were "lawfully issued"
- If the subpoenas were not lawfully issued, we would not have to respond to them

# CMU's File Sharing History

- We then requested that the RIAA confirm, in writing, that MediaSentry's activities in Michigan were either:
  - Lawful; or
  - Done pursuant to a PI license

# CMU's File Sharing History

- MediaSentry never provided this verification

# CMU's File Sharing History

- Our Dilemma
  - Don't want to ignore a subpoena
  - But don't want to violate FERPA by releasing names when we should not be doing so (subpoena based on illegally obtained information)

# CMU's File Sharing History

- So, we filed our “complaint” with the MI Department of Labor and Economic Growth
- Not really intended to “fight” for students or others engaging in illegal file sharing
- Wanted to make sure the interests of our students were/are adequately protected and privacy rights observed

# CMU's File Sharing History

- Filed with Department of Labor and Economic Growth in August, 2008
- Have not had a response as of April 6, 2009

# CMU's File Sharing Present

- So, what do we do now?

# CMU's File Sharing Present

- In late 2008, RIAA announced that it would no longer seek out students and others who were allegedly engaging in P2P file sharing on college campuses

# CMU's File Sharing Present

- This seems to be the case at CMU
  - Still receiving takedown notices
  - No ESLs or subpoena requests

# CMU's File Sharing Present

- The pending litigation at other colleges and universities, however, is continuing apace
- No new lawsuits filed
- But RIAA did not drop any existing suits
- Including a student at Northern Michigan

# CMU's File Sharing Present

- CMU does still pursue our internal discipline process when we receive a takedown notice

# CMU's File Sharing Present

- Internal Discipline Process
  - First violation:
    - Privileges suspended
    - Help Desk provides detailed information on illegal downloading/P2P issues
    - Student is warned re: future violations
    - Student is reconnected

# CMU's File Sharing Present

- Internal Discipline Process (cont'd)
  - Second violation:
    - Same as for First violation
    - Student is referred to Office of Student Rights and Responsibilities for a possible violation of the Student Code of Conduct
    - If found in violation, student could receive a fine of up to \$150.00
    - Student is informed that future violations could result in more serious sanctions
    - Student's privileges are restored

# CMU's File Sharing Present

- Internal Discipline Process (cont'd)
  - Third Violation:
    - Same as for second violation
    - Fine is increased to \$300
    - Student is placed on disciplinary probation for violation of the Code of Conduct
    - Student is informed that future violations will result in networking privileges and/or suspension from CMU

# CMU's File Sharing Present

- Internal Discipline Process (cont'd)
  - Any subsequent violation:
    - Student is suspended from the university

# CMU's File Sharing Present

- CMU also provides many resources and education opportunities warning students about the potential pitfalls of P2P file sharing
  - Posters
  - Disclaimers as part of having computer registered during orientation
  - FAQ on IT website
  - Information provided to recipients of takedown notices as noted previously

# CMU's File Sharing Future

- What does the future hold at CMU?
  - Higher Education Opportunity Act
  - Packet Shaping
  - Notifying students when they have file sharing software on their machines
  - Offering hard drive wiping services
  - Industry-proposed solutions (Choruss)

# CMU's File Sharing Present

- Higher Education opportunity Act
  - Passed in 2008; two P2P provisions:
    - Requires institutions to provide students with information and resources about file sharing
    - Requires universities to:
      - have programs in place to fight illegal file sharing that incorporate “technology-based deterrents” AND
      - Offer alternatives to illegal downloading

# CMU's File Sharing Present

- HEOA (cont'd)
  - Information is already provided to CMU students, both at orientation and at other points during their careers here

# CMU's File Sharing Present

- HEOA (cont'd)
  - Technology-based deterrents
    - Act requires us to “consider” them only
    - Does not mandate any specific plan
    - Can be packet-shaping or bandwidth monitoring
    - Can also include “a vigorous program of accepting and responding to DMCA notices.”
    - Each institution retains the authority to determine what its particular plans for compliance will be

# CMU's File Sharing Present

- HEOA (cont'd)
  - Alternatives to illegal downloading
    - No definition in the Act as to what, exactly, these are
    - Could be as simple as providing a link to iTunes

# CMU's File Sharing Future

- Industry-proposed alternatives
- Choruss

# CMU's File Sharing Future

- Chorus
  - A “blanket license” for colleges and universities proposed by the record labels in December 2008
  - Proposed to several universities; could not determine whether any have accepted as of April 2009

# CMU's File Sharing Future

- Choruss
  - Blanket fee added to every student's internet access
  - Fees go into a “pool” that is then distributed among the recording artists
  - Company will be a non-profit set up to handle collection and distribution of fees

# CMU's File Sharing Future

- Chorus Advantages
  - All forms of P2P will be “permitted” – bittorrent, limewire, etc.

# CMU's File Sharing Future

- Chorus Disadvantages
  - Not really a license (permission); really a covenant not to sue -this means there's no guarantee that schools are getting anything of value for their money
  - Universities must monitor/track/estimate the number of downloads per song
  - All or nothing – no opt out
  - Technological measures must be put in place to prevent “leakage” from authorized users to unlicensed users

# CMU's File Sharing Future

- Chorus
  - Not perfect, but it's a start

# CMU's File Sharing Future

- What will the future bring???
- Not sure, but it will definitely not be boring!!