DMCA and Copyright Violation Policy

Menlo College
Updated: October 15, 2013

The Digital Millennium Copyright Act (DMCA) of 1988 protects against infringement of copyright of video, music, and software.

At Menlo College, the Office of the Chief Information Officer receives copyright infringement notifications. The college will not, in any situation, reveal the identity of the user to the complainant, nor send formal notice of receipt.

When such a notice is received, the College will:

1. Make best efforts to identify the user as per the information provided in the notification letter, to whatever extent our networking and logging practices allow. All such letters must conform to the standards established by the DMCA. * Any deviation or failure to meet these requirements will cause Menlo College to ignore the letter.
2. Suspend the user’s Internet account, blocking user from accessing any resources outside of campus. Access to services such as our Learning Management System and other class resources will not be affected.
3. Send a copy of the infringement letter to the user via e-mail, along with a detailed description of steps to be taken (both those required by the DMCA as well as the College).

We ask the individual to:

1. Carefully read the letter and all of its terms.
2. Carefully read the policies regarding response options as per the DMCA.
3. Remove the identified material and software used to obtain it.
4. Write a physical letter certifying that the software and material has been removed, countersigned by professional staff of the Office of IT.
5. Meet with the Chief Information Officer and Dean of Student Affairs.

Upon satisfaction of Menlo College’s requirements, Internet access will be restored.

Please note that the individual is responsible for acting on the terms of the letter separately. Resolution of the complaint with complainant is the responsibility of the recipient.
For repeat offenders, the College and Office of the Chief Information Officer may take additional steps. These may or may not include fines for reactivation of the user’s Menlo account or additional restrictions.

For additional information, access the information produced by other institutions. In particularly, we recommend the Educause Site and the Stanford University Site. As of the date of this policy statement, the two referenced policies are consistent with Menlo’s, though they are not meant to be addenda to official Menlo College policy.

---

* All DMCA copyright infringement letters must meet the following criteria:
  
  • A physical or electronic signature of a person authorized to act on behalf of the owner;
  • Identification of the copyrighted work alleged to be infringed;
  • Identification of the material claimed to be infringing or which is the subject of infringing activity;
  • Information sufficient to allow the ISP’s designated agent to contact the complaining party, e.g., address, telephone number, and e-mail address;
  • A statement that the complaining party has a good faith belief that use of the material is unauthorized; and
  • A statement that the information in the notice is accurate and, under penalty of perjury, that the complaining party is authorized to act on behalf of the owner (17 U.S.C. § 512 [c][3][A]).

Recipients are not required to act in any manner to notifications that do not meet these criteria.