



Florida National University Copyright Infringement Policy

Introduction

In compliance with the 18 USC 2319, Criminal Copyright Infringement, 17 USC 101, the No Electronic Theft (“Net”) Act and the Digital Millennium Copyright Act’s provisions relating to educational institutions, Florida National University encourages its students, faculty and staff to educate themselves on the principles of copyright and to respect the rights of copyright owned by others.

Individuals using computers and networks (the “account holder”), library, and other academic resources at Florida National University (the “University”) are responsible for complying with copyright laws and the University’s policies and procedures regarding the use of copyrighted materials.

Copyright Policy

Notification, Investigation, and Removal Procedures

University Authority

In the case of copyright infringement by an account holder, the University reserves the rights to deny, limit, revoke, or extend computing privileges and access to the network at its discretion or to impose other sanctions at its discretion. (See end of this policy statement for procedures on copyright infringement concerning language, literature, or media other than computers and networks.). Once a determination of copyright infringement has been made under the Procedures for Investigation and Disposition of Copyright Infringement Allegations, the matter will be referred to the appropriate authority as defined below.

The Office of Student Services, using the Student Code of Conduct as its guideline, will deal with student violations of this policy. Faculty violations of this policy will be dealt with by the appropriate Division Head and other relevant officials. Staff violations of this policy will be dealt with by the appropriate supervisor and other relevant officials.

The procedures outlined below will apply when the University receives written notification of an alleged copyright infringement.

Notification of Infringement by Copyright Holder

Copyright holders who believe an account holder has infringed their copyrighted material must notify the Vice President of Academic Affairs (the “designated agent”) of the allegedly infringing action or material in writing. For purposes of these procedures, an Email message from the copyright holder shall be considered a written notice providing the copyright holder alleging the infringement is identified and is willing to provide additional signed documentation of his/her claim.

The notification must:

- 1) Identify the copyrighted material being infringed in sufficient detail to permit the University to locate the allegedly infringing material on the University's network;
- 2) State the basis for the claim of possible infringement;
- 3) State the basis for the copyright holder's copyright in the work (e.g. author, owner, assignee).

Notification of Account Holder of Allegation of Copyright Infringement

The designated agent will notify the account holder who appears to have posted the allegedly infringing material that an investigation procedure will be conducted according to published policy.

Procedure for Investigation and Disposition of Copyright Infringement Allegations: In the event that the allegedly infringing material is being used for a class at the University, the designated agent will attempt to secure an arrangement with the copyright holder for use of the allegedly infringing material by the account holder until the end of the current academic term. Failing a satisfactory arrangement, the designated agent will notify the account holder and conduct an investigation of the alleged infringement and take action as set forth below regarding any allegedly infringing material.

If, after the investigation, the designated agent determines that the allegedly infringing material appears not to infringe on the copyright of the copyright holder, the designated agent will notify the copyright holder and the account holder of this determination. If the copyright holder disagrees with the determination of the designated agent, the copyright holder may request in writing that the University ask its attorneys to render an opinion as to whether the allegedly infringing material constitutes copyright infringement. If the material is determined not to constitute copyright infringement, the material will remain on the network.

If, after conducting an investigation, the designated agent determines that the allegedly infringing material appears to infringe the copyright of the holder, the designated agent, working with the appropriate authority, will follow the procedures for removal of infringing material set forth below.

Removal of Infringing Material

If, after the designated agent's investigation, the determination is made that the allegedly infringing material appears to infringe the copyright of the holder, the designated agent will notify the copyright holder and the account holder whose account was used to post the allegedly infringing material. The designated agent will direct the appropriate IT staff member to remove, or block access to, the allegedly infringing material. At this time, the appropriate authority, as designated under "University Authority," will be notified.

Upon receipt of notification from the designated agent that the allegedly infringing material appears to infringe the copyright of the copyright holder and is being blocked or removed from the University's computers or network, the account holder may request that the designated agent

restore the removed or blocked material based on the account holder's belief that the allegedly infringing material is not infringing. Such a request must be in writing and include a detailed statement of the basis for the account holder's belief that the allegedly infringing material is not infringing, as well as a request that the Office of the VP of Academic Affairs removed or blocked material be restored. If the designated agent receives such a request from the account holder, the designated agent, in consultation with the appropriate University authority, will provide a copy of the request to the copyright holder and to the University attorneys, if the attorneys have not already provided an opinion on the matter.

If, within ten days after a copy of the account holder's request is sent to the copyright holder by the designated agent, the designated agent has not received a written request from the copyright holder to continue the blocking or removal of the allegedly infringing material, the designated agent will notify IT department to restore the material so long as University attorneys, if they have been consulted, agree that the material does not constitute an infringement of copyright. IT department will restore the allegedly infringing material within four days of the receipt of such notification.

If the designated agent receives, within ten days, a request from the copyright holder to continue the blocking or removal of the allegedly infringing material, the designated agent will provide copies of all correspondence to the University's attorneys. Notification of this request from the copyright holder will also be sent to the account holder who had appealed the original decision regarding the alleged copyright infringement, and the appropriate University authority. The University attorneys will be asked to render an opinion as to whether the allegedly infringing material constitutes copyright infringement.

If the allegedly infringing material is determined, by the University attorneys, not to constitute copyright infringement, the material will be restored by the IT department within four days of such determination.

Procedures Involving Alleged Copyright Infringement Concerning Language, Literature, or media other than Computers and Networks Questions of alleged copyright infringement concerning language, literature, and media other than computers and networks will be investigated by the designated agents established for these areas. These designated agents will follow procedures, and adhere to policies that are essentially the same as those outlined above (for computer and network use) to ascertain if the fair use provisions of copyright legislation have been infringed upon. Blocking or removal of material determined to constitute copyright infringement will be handled in a manner determined to be appropriate for each area, as will restoration of material determined, through the appeal process, to not constitute copyright infringement.

Policy Review

The Copyright Infringement's Committee will ensure that this policy is reviewed every year.

Interim Designation of Agents to Receive Notification of Claimed Infringement

This is to notify copyright holders that the following persons have been designated by Florida National University to serve as designated agents, and to receive requests concerning claimed copyright infringement, pursuant to the Digital Millennium Copyright Act: June 19, 2003

Designated Agent for Possible Infringement of Copyright Concerning Computers and Networks:
Frank Andreu, Vice President of Operations

Designated Agent for Possible Infringement of Copyright Concerning Language and Literature: Dr. Barbara Rodriguez, Humanities & Fine Arts Division Head

Designated Agent for Possible Infringement of Copyright Concerning Media, Not Including Computers and Networks: Dr. Caridad Hernandez, VP of Academic Affairs

Any copyright holder wishing to send a notice to Florida National University regarding possible copyright infringement should file that notice in writing with the appropriate designated agent at the following address:

Florida National University
4425 West Jose Regueiro (20th) Ave
Hialeah, Florida 33012

Sources

The Copyright Office regarding Interim Regulations is available at:

<http://lcweb.loc.gov/copyright/onlinesp/>

The Interim Regulations are available at:

<http://www.aop.org/legis/interim.html>

Circulars from the U.S. Copyright Office:

<http://www.loc.gov/copyright/circs>

University of South Florida-Tampa:

<http://www.lib.usf.edu/accsvc/copyright.html>

(This is a broad collection of sources on copyright)

Skidmore College Guideline:

<http://www.skidmore.edu/help/rules/copyright.html>

Washington and Lee University:

<http://www.wlu.edu/computing/policies.wlu>

Stanford University:

<http://fairuse.stanford.edu>