

# Enterprise Alleged Copyright Infringement Response Policy

**Subject:** Information Technology  
**Revised:** November 7, 2012; May 3, 2017  
**Effective:** November 7, 2012  
**Review Date:** May 2020  
**Responsible Party:** Enterprise Chief Information Officer

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## 100.00 Introduction

The Digital Millennium Copyright Act of 1998 prohibits copyright infringement of digital works or through digital means. The University must exercise due diligence in the protection of copyrights and the prevention of infringement. Persons wishing to report an alleged infringement may refer to this policy.

## 200.00 Policy

**200.10** Board of Regents policies governing the use of university information technology apply to all University faculty, staff, students, and patrons. All users of University information technology must comply with MSU Enterprise policies as well as Board of Regents policies, state and federal law. References to associated policies and laws are provided in section 400.00.

**200.20** Any person who receives a complaint that material residing on University technology infringes copyright should forward the complaint, or person making the complaint, to the University Information Technology Service Desk which will create a support ticket per the Alleged Copyright Infringement Standards.

**200.30** The University Information Technology Service Desk will be responsible for providing a monthly summary report of all associated tickets to the Vice President for Information Technology and Chief Information Officer and University Legal Counsel.

**200.40** A complaint made under the Digital Millennium Copyright Act must contain the following information:

1. A description of the works claimed to be infringed;
2. The source address of the alleged infringer, and time of the alleged infringement;
3. Sufficient information to enable the agent to contact the complainer;
4. A statement that the complainer believes in good faith that the use of the material is not authorized by the owner, the owner's agent or the law; and
5. A statement that the information in the notice is accurate and, under penalty of perjury, that the complainer is authorized to act on behalf of the owner of one or more exclusive copyright rights.

**200.50** Users of University information technology who repeatedly infringe the copyrights of others may be denied access to university computer systems and services and/or disciplined for such infringements.

**200.60** Per BOR Policy 1901.1 employees who are sued by a copyright owner or licensor are subject to the indemnification policy defined in BOR 804.4.

## 300.00 Procedures

Alleged copyright infringement violations shall be reported to the following individual at each campus:

<b>MSU-Billings</b>	<b>MSU-Bozeman</b>	<b>Great Falls College</b>	<b>MSUMSU-Northern</b>
Chief Information Officer, Information Technology	VP for Information Technology, University Information Technology	Chief Technology Officer, IT Services	Chief Information Officer, Information Technology Services

McMullan Hall Rm 303  
406-247-5750

Renne 43  
406-994-7474

Room B129  
406-771-4331

Cowan Hall 200  
406-265-3720

Individual campuses maintain campus-specific standards and procedures that implement this policy. Constituents will be required to comply with any standards and procedures developed for their campus:

- MSU-Billings
- MSU-Bozeman\*
- Great Falls College MSU
- MSU-Northern

\* MSU agencies follow MSU-Bozeman campus procedures

## 400.00 References

Report broken links to [uitmarcom@montana.edu](mailto:uitmarcom@montana.edu).

- Digital Millennium Copyright Act: Refer to the US Copyright Office, available at <http://www.copyright.gov> or view the explanatory memorandum of copyright law and permissible use, available at <http://www.copyright.gov/legislation/dmca.pdf>.
- Board of Regents policy 1901.1 Unauthorized Copying and Use of Software, available at <http://www.mus.edu/borpol/bor1900/1901-1.pdf>.
- Board of Regents policy 804.4 Personal Indemnification, available at <http://www.mus.edu/borpol/bor800/8044.htm>.
- Montana State University Conduct Guidelines and Grievance Procedures for Students [http://www.montana.edu/policy/student\\_conduct](http://www.montana.edu/policy/student_conduct)

## 500.00 Definitions

“Enterprise” refers to all Universities, colleges, and agencies of Montana State University.

“Vice President for Information Technology and Chief Information Officer” refers to the top level information technology leadership role based on the Bozeman campus whose responsibilities include information technology leadership of the four MSU campuses. “Information technology” refers to any resource related to the access and use of digitized information, including but not limited to hardware, software, devices, appliances, network bandwidth and resources.

“University” refers to any and all campuses, agencies, departments, or entities within the Montana State University enterprise. “University authority” refers to an official of the University with significant responsibility for campus activities, who has the authority and duty to respond to issues on behalf of an institution, including but not limited a Vice President, Provost, Chief Information Officer, Dean, or Director.

“University Legal Counsel” refers to the University’s attorney and/or designated legal staff based at MSU-Bozeman.

“Users” refers to any individual student, staff, faculty, or patron as well as any group, agency, department, entity, or campus who obtains, uses, or relies on IT services or resources of the University.