Guideline 762 - Online Copyright Infringement Claims

Scope:
Claims that faculty, staff, students, or other persons either affiliated with or not affiliated with the University have infringed copyright on UMBC telecommunications or computing networks.

Procedure:
Should any notification or claim of copyright infringement on UMBC networks come to the attention of a Library & Gallery staff member, that staff member is to immediately notify the Director of the Library or, in the Director's absence, the Director's designee. The Director of the Library will conduct or coordinate a preliminary evaluation of the claim and promptly forward the claim and information gathered to the UMBC designated agent handling such claims (as of 7/2/09 this is Dave Gleason, University Counsel).

Background:
In 1998, when Congress passed the Digital Millenium Copyright Act, there was notice regarding steps institutions need to take to limit their liability as effective Online Service Providers for their communities. The Md. AG's Office sent a memorandum to USM Presidents reinforcing the necessity to take the steps required to protect the institutions from such liability.

As an Online Service Provider, the institution can claim Safe Harbor limitations of liability if:

1. It has filed with the U. S. Copyright Office a designation of agent to receive notification of claimed infringement, and posted that individual's name, address, telephone number and e-mail address on its website;
2. It has available online a copy of the Online Service Provider's current service provider copyright policy;
3. Upon receiving proper notification of the claimed infringement, expeditiously take down or block access to the allegedly infringing material
4. ---other provisions related to a specific infringement

References: L. Wilt email to all staff 1/31/01

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