DMCA Policy

Policy Title:
DMCA Policy

Responsible Executive(s):
Robert Barton, Director and Chief Information Security Officer

Responsible Office(s):
University Information Security Officer

Contact(s):
If you have questions about this policy, please contact the University Information Security Office.

I. Policy Statement

Title II of the Digital Millennium Copyright Act ("DMCA") of 1998 limits the liability of online service providers, such as Loyola University Chicago, for certain copyright infringement liability if various procedures are followed. This policy is intended to take advantage of the liability protections in the DMCA.

Loyola University Chicago respects the rights of holders of copyrights, their agents and representatives and will implement appropriate policies and procedures to support these rights without infringing on the legal use, by individuals, of those materials. Legal use can include ownership, license or permission, and fair use under the US Copyright Act. Employees and students need to be aware of the rights of copyright owners. Information on copyright law and these rights can be found in a number of places, but general information particularly can be found by going to the following sites:

- Copyright at Loyola University Chicago, Loyola University Chicago, August 1999
- United States Copyright Office: http://www.lcweb.loc.gov/copyright
- What you need to know about DMCA on University Campuses: Educause DMCA FAQ

Persons who are found to intentionally or repeatedly violate the copyright rights of others may be denied access to all University computing and networking facilities and resources. All instances of reported copyright violations will be reported to the

appropriate University authority in accordance with the following policies for possible additional disciplinary actions.

II. Definitions

Not applicable.

III. Policy

Designated Agent

The Designated Agent for complaints under the DMCA is:

Robert Barton

Information Security Officer

Information Technology Services

Loyola University Chicago

6439 North Sheridan Road

Chicago, IL 60626

E-mail: dmca-agent@luc.edu

Phone: 773 508-6086

Fax: 773 508-8600

Listing of the Designated Agent is posted on the United States Copyright Office web site in the Directory of Agents. Notices sent to an email address other than the Designated Agent will be considered invalid.

Complaint Notice Procedures for Copyright Owners

A notice of alleged copyright infringement to the Designated Agent concerning information residing on the University's systems or networks at the direction of the user must have the following:

- A description of the works claimed to be infringed.
- A description of the allegedly infringing works or location site sufficient to enable the Designated Agent to find them.

- Sufficient information to enable the Designated Agent to contact the complaining party.
- A statement that the complaining party believes in good faith that the use of the material is not authorized by the copyright owner, the owner's agent, or the Copyright Act.
- A signed statement that the information provided by the complaining party in the notice is accurate and, under penalty of perjury, that the complaining party is authorized to act on behalf of the copyright owner of one or more of the exclusive copyright rights.
- A physical or digital signature of the owner of an exclusive copyright right or the owner's authorized agent, which accompanies the statement.

Alleged Infringing Site Take Down Procedures

When properly notified of the potential copyright infringement, the Designated Agent will make a reasonable effort to contact the site or page owner of the materials in question. There will be an attempt to secure the voluntary take down of the work, but, if not, then the University will immediately disable access to the work unless it is immediately determined that the work is lawful under the copyright law. The owner of the site or page of the alleged infringing material may exercise their counter notice procedure rights set forth below.

The Designated Agent may, but need not, undertake to determine if the work complies with copyright law.

Counter Notice Procedures:

After voluntary take down or if the site is involuntarily disabled, the University may, but need not, proceed to counter notification on its behalf or on behalf of its employees and students, the owner of the site may provide counter notification to the Designated Agent. Counter notices can claim only that either the copyright owner is mistaken and that the work is lawfully posted or that the work has been misidentified. A site owner may assert that use of another's work is fair use, which falls under the provision that the copyright owner is mistaken in characterizing the work as infringing. Various University officials may be consulted in arriving at a fair use determination.

Counter notices to the Designated Agent must contain the following:

- A physical or digital signature of the site or page owner.
- A description of the materials removed and its location before it was removed.

- A statement that the owner believes in good faith that the material was removed by mistake because the work is not infringing or that it was misidentified.
- Sufficient information to enable the Designated Agent to contact the owner who filing the counter-notice, e.g., name, address, phone number, e-mail address, and his or her consent to jurisdiction of the federal district court with proper jurisdiction for any court actions arising from the infringement.
- A statement that the owner will accept service of process from the complaining party.

Access to the materials in question will be restored within 10 to 14 business days after the date the Designated Agent receives the counter notice unless the Designated Agent first receives a notice from the complaining party that he or she has filed an action seeking a court order to restrain the page owner. The Designated Agent will promptly send a copy of any substantially conforming counter notice to the complaining party indicating that the site will be restored within 10 to 14 business days unless the Designated Agent receives notice of court action.

IV. Related Documents and Forms

Not applicable.

V. Roles and Responsibilities

Robert Barton, Director and Chief Information Security Officer	Enforcing the Policy at the University by setting the necessary requirements.

VI. Related Policies

Please see below for additional related policies:

- Security Policy

Approval Authority:	ITESC	**Approval Date:**	September 12, 2011
Review Authority:	Robert Barton	**Review Date:**	November 13, 2026
Responsible Office:	UISO	**Contact:**	datasecurity@luc.edu