

# OIS 35 – Standard for Unauthorized File Sharing

## I. STANDARD STATEMENT

The unauthorized duplication and distribution of copyrighted software and multimedia files, including games and sound/or movie recordings, is a form of copyright infringement, and is subject to investigation and prosecution under Federal and State laws. Under H.R. 4137, known as the Higher Education Opportunity Act (2010) (<https://www.govtrack.us/congress/bills/110/hr4137/text>), UTSA has the responsibility of effectively addressing any infringement, and making all members of the university community aware of the provisions of the law.

## II. RATIONALE

This standard supports HOP Policy 8-12 Information Resources Use and Security Policy

## III. SCOPE

This standard applies to all UTSA faculty, staff, and students.

## IV. CONTACTS

informationsecurity@utsa.edu

## V. PROCEDURES

- A. The illegal and unauthorized use and duplication of copyrighted electronic materials is prohibited.
- B. UTSA has the responsibility of effectively addressing any infringement, and making all members of the university community aware of the provisions of the law.
- C. Federal copyright law grants the copyright owner the exclusive right to reproduce, adapt, distribute and, in some cases, digitally transmit their media. Therefore, activities such as the following, if not expressly authorized by the owner of the copyright, may violate their rights under Federal laws:
  1. Creating or saving a copy of all or a portion of a copyrighted file to a computer hard drive, server or other device that can be connected to a Website or other online forum
  2. Converting a copyrighted multimedia file into a digital file format (such as an MP3 file) and serving it to a hard drive or server

3. Transmitting a copy or otherwise permitting users to download copyrighted digital files from a Web site
  4. Digitally transmitting to user's a particular copyrighted file chosen by or on behalf of the recipient.
- D. This policy applies to all individuals with access to any UTSA information resource and those who have the ability to access the Internet from the UTSA network.
- E. Those who are found to be in violation of this policy will be subject to discipline. Students will be referred to the Office of Student Judicial Affairs; faculty and staff will be referred to their departmental chair and to the Office of Institutional Compliance.

## **VI. References for This Standard:**

- A. The Higher Education Opportunity Act (2008) Section 488,(a),(1),(P)  
<https://www.congress.gov/110/plaws/publ315/PLAW-110publ315.pdf>
- B. Digital Millennium Copyright Act of 1998  
<http://www.copyright.gov/legislation/dmca.pdf>

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