Date: May 30, 2003
To: The Northwestern Community
From: Morteza A. Rahimi, Vice President & Chief Technology Officer
Subject: Alert—new legal tactics in peer-to-peer file sharing disputes warrant your attention


Northwestern University, as part of the higher-education community, must strike a balance between the interests of the academic community in using technology’s full capabilities for lawful purposes, and the interests of creators and licensors of intellectual property in protecting their works from unauthorized use, copying, and distribution. It is important for everyone at Northwestern to recognize that there is in place currently a legal framework made up of statutes, case law, and procedures designed to protect the intellectual property rights of creators of technology developments and artistic works, and that lawsuits can and are being brought against individuals who do not respect the intellectual property rights of others. Please take note of two recent lawsuits that could have an impact on our community:

On April 3, 2003, the Recording Industry Association of America RIAA filed lawsuits against four students claiming that the students have “taken a network created for higher learning and academic pursuits and converted it into an emporium of music piracy.” See http://www.riaa.com/News_Story.cfm?id=629 for details. Each student was sued personally for $150,000 for each of the dozens of recordings listed by title in the complaint filed against him. On May 1, 2003, each case was settled with the student agreeing to pay damages ranging from $12,000 to $17,500 per student over a four-year period. See http://news.com.com/2100-1027-999332.html for the story. This is an important event in two ways: a the RIAA bypassed the processes normally followed under the Digital Millennium Copyright Act DMCA of first notifying the University service provider and requiring a take down of infringing materials or blocking network access, before a lawsuit alleging infringement is filed; and b the defendant students were operating file sharing services *within* their university network—not even to the Internet at large.

On April 24, 2003, a judge upheld a ruling that an Internet Service Provider must identify a subscriber who the RIAA asserts has violated copyright laws under the DMCA. See http://news.com.com/2100-1027-998268.html for details. Please note that this decision could force universities, including Northwestern, to identify by name individuals faculty, staff or students within their networks at the time a DMCA complaint is filed, thereby exposing these individuals to legal suits and personal liability.

Northwestern University urges everyone in its community to abide by the network use policies at http://www.it.northwestern.edu/policies/ and comply with copyright law. Copying or sharing music or other copyrighted material, including software, without a permissible copyright defense, such as Fair Use, or a valid license, is not only a violation of the University’s policies, it is illegal. It may have dire personal consequences and jeopardize the individual’s continued enrollment or continued employment, as well as future job prospects.