

Peer-to-Peer (P2P) File Sharing Policy
Kansas State University

July 7, 2009, *Revised August 6, 2009*

Replacement for PPM 3490: Prohibited Use of Recreational Software

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.010 Purpose

While Peer-to-Peer (P2P) technologies have many important and legitimate uses, P2P file sharing applications are often used to obtain copyrighted materials (e.g. music, movies, videos, text, etc.) without the permission of the owner or distributor while utilizing a disproportionate amount of network bandwidth and leaving the user's computer vulnerable to computer viruses. The purpose of this policy is to articulate Kansas State University's position on the use of Peer-to-Peer file sharing applications and the unauthorized acquisition or distribution of copyrighted or licensed material.

.020 Scope

This policy applies to all students, faculty and staff, and other individuals using University information technology resources or data.

.030 Effective Date

This policy will be effective upon approval by the Computing Executive Committee [*replace with date after CEC approval*].

.040 Authority

This policy responds to requirements in the Higher Education Opportunity Act of 2008 that universities develop plans to effectively combat the unauthorized distribution of copyrighted materials.

.050 Policy

- A. Peer-to-Peer file sharing applications used for the unauthorized acquisition or distribution of copyrighted or licensed material are prohibited on any University computer or University network. Any violation of this policy may result in the suspension of access to network resources or other appropriate university discipline, up to and including termination of employment and expulsion. In addition, the unauthorized acquisition or

distribution of copyrighted or licensed material, including unauthorized peer-to-peer file sharing, may subject individuals to civil and criminal liabilities.

- B. Kansas State University will annually inform students of this policy and associated procedures.

.060 Definitions

- A. *Digital Millennium Copyright Act (DMCA)* – A federal law passed in 1998 that revised copyright law for the digital environment to, among other things, define how alleged copyright infringements are to be handled and establish liability limitations for "online service providers."
- B. *Peer-to-Peer (P2P)* – A network environment where participants share their resources (such as files, disk storage, or processing power) directly with their peers without having to go through an intermediary network host or server.
- C. *Peer-to-Peer file sharing applications* – Programs or services that use P2P technology to share music, movies, software, or other digitally stored files.
- D. *University computer* – Any computer considered to be the property of Kansas State University.
- E. *University network* – Any part of K-State's data network physically located on the Manhattan or Salina campus. This includes devices on the network assigned any routable and non-routable IP addresses, typically 129.130.X.X or 10.X.X.X, respectively, and applies to K-State's wireless network and the network serving K-State's student residence halls and Jardine Apartments.

.070 Roles and Responsibilities

- A. *Chief Information Security Officer (CISO)* – the CISO will determine the set of prohibited P2P file sharing applications, with input from K-State's Security Incident Response Team. The CISO is also responsible for technology-based deterrents used to enforce this policy.
- B. *Office of Student Life* – is responsible for notifying students at the beginning of every fall semester to inform them about this policy.

.080 Implementing Procedures

- A. The Chief Information Security Officer will maintain a list of P2P file sharing applications that are commonly used for unauthorized acquisition or distribution of copyrighted or licensed material. Examples include but are not limited to Ares, BitTorrent, eDonkey (aka eMule), and Gnutella (aka LimeWire). Appropriate technology-based deterrents will be employed to prevent the use of these applications.
- B. A University web site will provide information about alternatives to illegal file sharing and about K-State's program to combat unauthorized acquisition or distribution of copyrighted or licensed material.

- C. Notices of alleged copyright infringement per the Digital Millennium Copyright Act (DMCA) will be handled according to the following procedure:
www.k-state.edu/infotech/security/procedures/DMCAnotice.html

.090 Related Laws, Regulations, or Policies

- A. K-State copyright and intellectual property information:
www.k-state.edu/academicservices/intprop/copyright.htm
- B. K-State Information Technology Usage Policy -
www.k-state.edu/policies/ppm/3420.html
- C. K-State Security for Information, Computing and Network Resources policy -
www.k-state.edu/policies/ppm/3430.html
- D. K-State procedures for removing compromised computers from the network -
www.k-state.edu/infotech/security/procedures/compromised.html
- E. K-State Student Conduct Code - www.k-state.edu/osas/conductcode.htm
- F. Higher Education Opportunity Act of 2008 (H.R. 4137) –
thomas.loc.gov/cgi-bin/query/D?c110:3:./temp/~c1107CKKMO::
- G. Criminal penalties and civil remedies for violation of Federal copyright laws are summarized in the Congressional Research Services report titled, “Intellectual Property Rights Violations: Federal Civil Remedies and Criminal Penalties Related to Copyrights, Trademarks, and Patents”: assets.opencrs.com/rpts/RL34109_20081031.pdf
- H. U.S. Copyright Office information on designating an agent for notification of claims of infringement: www.copyright.gov/onlinesp/
- I. K-State’s registration with the U.S. Copyright Office designating the agent for notification of claims of infringement: www.copyright.gov/onlinesp/agents/kstateu.pdf
- J. Summary of the DMCA: www.copyright.gov/legislation/dmca.pdf
- K. Full text of the DMCA: www.copyright.gov/legislation/pl105-304.pdf

.100 Questions/Waivers

The Vice Provost for Information Technology Services (VP ITS) is responsible for this policy. The VP ITS or designee must approve any exception to this policy. Questions relating to this policy should be directed to K-State’s designated copyright agent (see www.k-state.edu/copyright.html). Questions about the list of prohibited P2P file sharing applications should be directed to the Chief Information Security Officer.