



DIGITAL MILLENNIUM COPYRIGHT ACT POLICY

Effective Date: June 10, 2021

Supersedes: N/A

Issuing Authority: Office of Information Technology

Responsible Officer: Chief Information Security Officer

I. Policy Statement

This Digital Millennium Copyright Act Policy (“Policy”) sets forth the requirements and procedures for The University of Tulsa (“University”) to promptly process and investigate notices of alleged copyright infringement and take appropriate actions under the Digital Millennium Copyright Act, 17 U.S.C. § 512 (“DMCA”).

II. Application

This Policy applies to all users of University networks and computing systems including faculty, staff, students, covered entities, contractors, non-employees and agents of the University.

III. Definitions

Standard Technical Measures means measures that copyright owners use to identify or protect copyrighted works, that have been developed pursuant to a broad consensus of copyright owners and service providers in an open, fair and voluntary multi-industry process, are available to anyone on reasonable nondiscriminatory terms, and do not impose substantial costs or burdens on service providers.

University Systems means all networks, computing systems, servers, websites and services owned or controlled by the University.

User means any person or entity accessing or using University Systems, including any person or entity who would be a “subscriber” under the DMCA.

IV. Policy and Procedures

Users of University Systems are required to respect the legal protection provided by copyright and license to programs and data. Any copyright holder that believes that their work has been copied, adapted, reproduced, or exhibited on University Systems in a way that constitutes copyright infringement, should provide written notice of the claimed infringing activity to the University’s designated agent, in accordance with the requirements of the DMCA.

A. Notice of Claimed Copyright Infringement

A notice of claimed copyright infringement must be in writing and substantially include the following information:

1. An electronic or physical signature of the copyright owner or a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
2. Identification of the copyrighted work claimed to have been infringed, or if multiple copyrighted works at a single online site are covered by a single notice, a representative list of such works at that site;
3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the University to locate the material;
4. Information reasonably sufficient to permit the University to contact the complaining party, such as an address, telephone number, and, if available, an email address at which the complaining party may be contacted;
5. A statement that the complaining party has a good faith belief that use of the material in the matter complained of is not authorized by the copyright owner, its agent, or the law; and
6. A statement that the information in the notice is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

B. Designation of Agent to Receive Notification of Claimed Infringement

A notification of claimed copyright infringement must be provided in writing to the University's designated agent. The designated agent to receive notification of claimed infringement under Title II of the DMCA is:

Chief Information Security Officer
The University of Tulsa
800 S. Tucker Dr.
Tulsa, OK 74104
Telephone: (918) 631-3500
E-mail: dmca@utulsa.edu

Upon receipt of notification of claimed copyright infringement, the University will follow the procedures outlined in Title II of the DMCA.

C. Notice and Takedown Procedure

It is expected that all Users of University Systems will comply with applicable copyright laws. However, if the University's designated agent is notified of claimed copyright infringement, it will respond expeditiously by removing, or disabling access to, the material that is claimed to be infringing or to be the subject of infringing activity.

The University will then take reasonable steps to promptly notify the User responsible for the removed content that the University has removed or disabled the material at issue. The User may submit a counter-notification responding to the removal or disabling of the material.

To be valid, a counter-notification must be a written communication to the University's designated agent that includes substantially the following:

1. An electronic or physical signature of the User;
2. Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled;
3. A statement under penalty of perjury that the User has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled;
4. The User's name, address, and telephone number;
5. A statement that the User consents to the jurisdiction of Federal District Court for the judicial district in which User resides or, if the User's address is outside of the United States, the U.S. District Court for the Northern District of Oklahoma; and
6. A statement that the User will accept service of process from the complainant or complainant's agent.

Upon receipt of a valid counter-notification, the University will generally restore the content in question, unless the University receives notice from the complaining party that a legal action has been filed seeking a court order to restrain the alleged infringer from engaging in the infringing activity. The University may provide copies of such notices to the participants in the dispute or to any other third parties, at our discretion and as required by law.

D. Sanctions

Users who infringe copyright protected materials using University Systems are subject to discipline in accordance with the TU Ethics Code & Computer Use Policy and other University policies. Under appropriate circumstances, the University may terminate the accounts of Users who are repeat infringers.

E. Accommodation of Standard Technical Measures

The University accommodates and does not interfere with Standard Technical Measures that are used by copyright owners to identify or protect copyrighted works.

F. Additional Information

For more information on U.S. copyright law and the DMCA, please see the [United States Copyright Office](#) website. The U.S. Copyright office has a variety of resources that can provide answers and

guidance to many copyright questions and issues. [Circular 1](#) has simple, concise explanations and descriptions of what you must do to keep from infringing copyrights of others, as well as protecting your own creative works.

G. Related Policies

TU Ethics Code & Computer Use Policy

H. Approval

This Policy is approved by the undersigned and effective as of the date written below.

Approved: 

Paige Francis
Vice President IT and Chief Information Officer

Date Effective: June 10, 2021

Revision Record

Date	Version	Notes
2021-Jun10	1	Policy enacted