

New rules bring online piracy fight to US campuses



By ERIC GORSKI, AP Education Writer
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Starting this month, colleges and universities that don't do enough to combat the illegal swapping of "Avatar" or Lady Gaga over their computer networks put themselves at risk of losing federal funding.

A provision of the Higher Education Opportunity Act of 2008 is making schools a reluctant ally in the entertainment industry's campaign to stamp out unauthorized distribution of copyrighted music, movies and TV shows.

Colleges and universities must put in place plans "to effectively combat the unauthorized distribution of copyrighted material by users of the institution's network" without hampering legitimate educational and research use, according to regulations that went into effect Thursday.

That means goodbye to peer-to-peer file-sharing on a few campuses — with exceptions for gamers or open-source software junkies — gentle warnings on others and extensive education programs everywhere else.

Despite initial angst about invading students' privacy and doing the entertainment industry's dirty work, college and university officials are largely satisfied with regulations that call for steps many of them put in place years ago.

But whether the investment of time and money will make a dent in digital piracy is uncertain.

"If the university is going to prohibit underage drinking, I think it ought to prohibit anything on the Internet that's illegal, too," said Alicia Richardson, an Illinois State University junior who applauds her school's restrictive policies on file-sharing. "I'm not going to mess with it. I know the consequences."

Among other things, schools must educate their campus communities on the issue and offer legal alternatives to downloading "to the extent practicable."

Colleges and universities that don't comply risk losing their eligibility for federal student aid.

Many colleges worried they would be asked to monitor or block content. But the provision says schools can get a great deal of flexibility, as long as they use at least one "technology-based deterrent."

Their options include taking steps to limit how much bandwidth can be consumed by peer-to-peer

networking, monitoring traffic, using a commercial product to reduce or block illegal file sharing or "vigorously" responding to copyright infringement notices from copyright holders.

Almost all campuses already manage bandwidth or vigorously process infringement, or "takedown," notices, said Steven Worona, director of policy and networking programs for Educause, a higher education tech advocacy group.

While the recording industry has backed off its strategy of suing illegal file-sharers, it still sends infringement notices to colleges — a shot across the bow that urges users to delete and disable computer access to unauthorized music to avoid legal action.

"The problem campuses have is that commercial network providers are not doing anything to limit the amount of infringement on their networks or educate their customers about copyright law," Worona said. "Every fall, a new cadre of students arrives on campuses who have been engaging in infringing activity since the third grade."

Since October 2008, the Recording Industry Association of America said it has sent 1.8 million infringement notices to commercial internet service providers — and 269,609 to colleges and universities.

RIAA, which represents the major music labels, stressed that the numbers don't necessarily reflect piracy trends, but rather the group's ability to detect it.

College officials argue notices are a flawed measure of illegal activity because it's up to copyright holders whether to send them and that false positives are possible.

RIAA president Cary Sherman said the group can't say whether campus programs are putting a dent in piracy. But he said the threat of a gradually tougher response to repeat violations is working, pointing to the University of California, Los Angeles, as one example.

"We think we're beginning to get to a scale now where it actually can make a difference," he said.

UCLA has developed a system that notifies users by e-mail when the school receives a copyright infringement notice, setting into motion a process that includes a "quarantine" on the computer's Internet access and the student's attendance at an educational workshop. Repeat offenders typically face one-semester suspensions.

Since the workshops started, repeat offenders have virtually disappeared, said Kenn Heller, assistant dean of students. Earlier this year, UCLA also struck a partnership with Clicker Media Inc. to make both university-produced videos and network TV shows, music videos and movies available through its undergraduate student Internet portal.

The Motion Picture Association of America, which also pressed for the legislation, is encouraged by what campuses are doing but it's too early to tell whether it will curb piracy, spokeswoman Elizabeth

Kaltman said.

Few campuses have gone as far as Illinois State, which raised eyebrows by seeking and accepting entertainment industry money to underwrite a now-abandoned research project on digital piracy.

The university also blocked all peer-to-peer activity in residence halls and on wireless access points, said Mark Walbert, Illinois State's chief technology officer. Students who use the technology for legal means — like tapping open-source software Linux or downloading World of Warcraft game updates — can get exceptions.

For students seeking legal download options, the school developed BirdTrax, a Web page with links to the free movie and music streaming websites such as Hulu and Pandora.

In 2007, the University of Michigan took a different approach, launching a campus initiative called "BAYU," which stands for "Be Aware You're Uploading." At little cost, the school developed a software program that automatically notifies users of university networks when they are uploading, or sharing files from their computer with users elsewhere.

The university does not look at what is being shared, and notices go out regardless of whether the activity is legal or illegal, said Jack Bernard, a university lawyer who devised the program, which Michigan offers free to other schools.

As a result, the number of copyright infringement notices the university receives has slowed to a trickle, he said.

"We think scare tactics and most technological means don't realize the ends we want because technological means never seem to keep up with people's ability to thwart them," Bernard said.

New technologies have made it more difficult to assess how much enforcement has affected piracy, said Joe Fleischer, chief marketing officer for tracking firm BigChampagne Media Measurement.

File-hosting services such as RapidShare store infringing content on distant servers, meaning uploaders' identities are difficult to track. Websites that share links to those files are searchable through Google.

"It's a much more complicated battle than it was five years ago because so many new modes of infringement are emerging," Fleischer said.

Associated Press Writers Ryan Nakashima in Los Angeles and Dorie Turner in Atlanta contributed to this report.