

Digital Millennium Copyright Act (DMCA) Implementation at PSU

This documents Plymouth State University's procedures for compliance with the sections of the Digital Millennium Copyright Act (DMCA), enacted in 1998, that deal with online copyright infringement liability limitation. Complete copies of the [copyright law of the U.S. \(Title 17\)](#), incorporating the DMCA provisions, are online in both text and PDF formats. And a complete copy of the [DMCA Act](#) itself is available. See also the subsequent [required study on encryption](#) that is available online. A [directory of agents](#) is maintained by the U.S. Copyright Office.

University DMCA Agent

The designated University Agent to receive written claims of copyright infringement under the Digital Millennium Copyright Act is:

*Richard Grossman
Assistant Vice President and CIO
Information Technology Services
Plymouth State University
17 High Street, MSC #28
Plymouth, NH 03264
FAX: 603-535-2263*

Reporting Claims of Infringement

A written notification of claimed infringement must be sent to the University Agent from the alleged copyright owner (Complaining Party) that includes substantially the following:

1. A physical or electronic signature of a person authorized to act on behalf of the Complaining Party. As an electronic signature, we accept FAX and a digitized image of the signature attached to e-mail.
2. Identification of the copyrighted work claimed to have been infringed.
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 disabled, including information reasonably sufficient to permit the University to locate the material. For example, include the URL.
4. Information reasonably sufficient to permit the University to contact the Complaining Party, such as address, telephone number, and e-mail address.
5. A statement that the Complaining Party has a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
6. A statement that the information in the notification 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.

Counter Notification of Replacement

The User (subscriber) may provide a counter notification to the University Agent, responding to the notification from the Complaining Party. A counter notification must be a written communication provided to the Agent that includes substantially the following:

1. A physical or electronic signature of the User (subscriber).
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, and a statement that the User consents to the jurisdiction of the Federal District Court for the judicial district in which the address is located, or if the User's address is outside the United States, for any judicial district in which the University may be found and that the User will accept service of process from the person who provided notification or an agent of such person.

Once the complaining party receives the User's claim, the DMCA permits the University to restore materials or access within two weeks — unless the Complaining Party serves notice that it intends to seek a court order to restrain infringement. University policy may mandate for other reasons that materials or access not be restored, and some other investigation may proceed.

The DMCA does not alter fair use provisions of U.S. copyright law.

Resources on Intellectual Property

- USNH-Specific Resources
 - [DMCA at Plymouth State University](#)
 - [UNH Office of Intellectual Property Management](#)
- DMCA-Specific Resources
 - [Copyright Law of the United States \(Title 17\)](#)
 - [Digital Millennium Copyright Act](#) (PDF)
 - [Joint Study of Section 1201\(g\) of The DMCA](#)
 - [U.S. Copyright Office Agent Directory](#)
 - [EFF: How To Not Get Sued for File Sharing](#)
- General Internet Resources
 - [Berkman Center for Internet & Society](#) at Harvard Law School
 - [Bitlaw](#) on technology law
 - [Copyright Clearance Center](#)
 - [Digital Millennium Copyright Act](#) issues at EDUCAUSE
 - [GigaLaw](#): Legal information for Internet professionals
 - [Intellectual Property Law](#)
 - [U.S. Copyright Office](#)

