



**Institutional Handbook of Operating Procedures**  
**Policy 02.19.09**

Section: General Administration	Responsible Vice President: EVP and Chief Business/Finance Officer
Subject: Computers/Automated Information Systems	Responsible Entity: Information Security

**I. Title**

*Digital Millennium Copyright Act Notice and Procedures*

**II. Policy**

This policy complies with the Digital Millennium Copyright Act (DMCA). The DMCA was enacted by the United States Congress to curtail the illegal distribution of copyrighted digital material. This law criminalizes the unauthorized reproduction and distribution, including peer to peer file sharing of digital material that is protected under copyright laws.

It is the policy of UTMB to be in full compliance with the law. No person shall use any UTMB facilities, computer networks or systems to reproduce, distribute, share, or make available to the public, any copyrighted materials without the expressed consent of the copyright owner. [Fair use exemptions](#) may apply.

Violations of this policy may result in disciplinary action which may include termination for employees; a termination of employment relations in the penalties for copyright infringements case of contractors or consultants; or suspension or expulsion in the case of a student. Individuals are subject to loss of UTMB Information Resources access privileges, civil and/or criminal prosecution. In addition, violations can result in a maximum fine of \$250,000 and /or ten year imprisonment.

To be protected under the safe harbor provision of the DMCA, organizations who provide online/network services to its members, are required to promptly block access to, or remove from their network, any digital material that has been identified as being in violation of the DCMA.

**III. Designated Agent**

Executive Management will designate, and record with the United States Copyright Office, a DMCA agent who is responsible for receiving and responding too, all notifications of claimed copyright infringements on behalf of UTMB. A Notification of Agent appointment will be displayed on a publicly accessible website.

The designated DMCA agent for UTMB is the:  
Director and Information Security Officer  
University of Texas Medical Branch  
301 University Blvd  
Galveston, TX 77555-0113  
Telephone: (409) 772-3838  
Email: [abuse@utmb.edu](mailto:abuse@utmb.edu)

#### **IV. Notification, Take Down and Put Backs**

Copyright owners who believe their material is being infringed by a user of, or a device connected to the UTMB computer network, may contact the designated DMCA agent listed above. All notifications of alleged copyright infringement must be made in writing and contain the following information:

- a. The name, address, and electronic signature of the complaining party;
- b. A description of the infringing materials and their Internet/network location;
- c. Sufficient information to identify the copyrighted works;
- d. A statement by the owner that it has a good faith belief that the use of the identified material is not authorized by the owner, the owner's agent, or the law; and
- e. A statement of the accuracy of the notice and under penalty of perjury, that the complaining party is authorized to act on the behalf of the owner

Upon notification of alleged copyright infringements, the DMCA agent and/or UTMB Information Services will remove from the network or disable access to the identified material. The DMCA agent will then notify the responsible UTMB party of the copyright infringement allegation and the subsequent action taken to prevent access.

UTMB network users accused of copyright infringement will be given the opportunity to submit a counter notice to the copyright owner stating that the material does not infringe copyrights. Counter notices must contain the following information:

- a. The name, address, phone number, and physical or electronic signature of the person making the counter notice;
- b. A description of the material and its location before removal;
- c. A statement under penalty of perjury that the person making the counter notice believes in good faith that the material was removed by mistake or because it was misidentified;
- d. The name, address, and phone number of the person making the counter notice and his or her consent to local federal court jurisdiction, or if overseas, to an appropriate judicial body; and
- e. A statement that the person making the counter notice will accept service of process from the complainant/copyright owner.

The copyright owner will be informed of all properly prepared counter notices claiming that the material does not infringe copyrights. If the copyright owner does not respond within 14 days of notification, access to the material will be restored.

#### **V. Authority**

The DMCA agent has the authority to remove or block access to any material that has been reported or is known to be in violation of United States copyright laws. This person also has the authority to remove access rights of any network user who repeatedly violates this policy.

#### **VI. Relevant Federal and State Statutes**

[Digital Millennium Copyright Act of 1998](#)

[US Copyright Law of the United States](#)

[DMCA Agent Appointment Form](#)

[Copyright Crash Course-Complying with the DMCA: Responding to notices of alleged infringement](#)

**VII. Related UTMB Policies and Procedures**

[IHOP - 02.19.06 - Information Resources Security](#)

**VIII. Dates Approved or Amended**

<i>Originated: 08/15/1997</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
01/10/2013	11/14/2006
	08/18/2016
	10/03/2019

**IX. Contact Information**

Information Security

(409) 772-3838