Dear [University/College President]:

We are writing to you as representatives of America’s creative community on an urgent matter regarding copyright infringement by some university students.

We are concerned that an increasing and significant number of students are using university networks to engage in online piracy of copyrighted creative works. The educational purpose for which these networks were built is demeaned by such illegal behavior and is inconsistent with the ethical principles underlying the university community. We believe there must be a substantial effort, both disciplined and continuous, to bring this piracy under control. Because this issue pertains to various interests within a university community, we ask that you forward copies of this letter to your General Counsel/Chief Legal Officer, as well as your Director of Information Technology/Information Systems, your Chief Financial Officer, and your Dean of Student Affairs.

In the past few years, Peer to Peer (P2P) network use has dramatically grown. P2P technology is not only exciting — it may fundamentally change the way digital works are legitimately distributed. However, student trafficking in music, movies, software, video games and other copyrighted material without authorization on P2P networks not only raises issues of copyright infringement, it is an invitation to invasions of student privacy, viruses and numerous potential security threats to the university’s network. A number of forward-looking educational institutions have led the way and have adopted informational and corrective policies aimed at preventing such infringing activity. We applaud these initiatives and would like to support this movement by working with colleges and universities to help establish Codes of Conduct and other procedures to stop theft of creative content.

Copyright Infringement is Theft

The students and other users of your school’s network who upload and download infringing copyrighted works without permission of the owners are violating Federal copyright law. “Theft” is a harsh word, but that it is, pure and simple. As Deputy Assistant Attorney General John Malcolm recently stated, “Stealing is stealing is stealing, whether it’s done with sleight of hand by sticking something in a pocket or it’s done with the click of a mouse.” It is no different from walking into the campus bookstore and in a clandestine manner walking out with a textbook without paying for it.
Sheldon E. Steinbach, General Counsel of the American Council on Education, said of such illegal file “sharing” activities:

“Why is this issue important to higher education institutions? First, educational institutions are in the business of forming students’ minds. A fundamental part of this formation is teaching about ethics, personal responsibility, and respect for the rule of law. Colleges and universities should not be in the business of condoning or promoting unlawful activities.”

Additional education about the law with regard to uploading and downloading movies, music, software, games, etc., is essential. Students must know that if they pirate copyrighted works they are subject to legal liability. A number of colleges and universities have already taken positive steps by putting in place codes of online conduct. They include such schools as the University of North Carolina, Drake University, and the University of Michigan.

**Increasing Bandwidth Use Associated with P2P**

Not only is piracy of copyrighted works illegal, it can take up a significant percentage of a university’s costly bandwidth. A recent article in the *Chronicle of Higher Education* reported that one university discovered P2P uploading accounted for 75% of its entire bandwidth. In that case, 75% of that university’s bandwidth was being used primarily by individuals outside of the university. When students run P2P applications and offer files for upload, much of the bandwidth drain is likely to be users outside of the university downloading files from students. One student offering a dozen infringing files on P2P may be serving those files up to hundreds, if not thousands, of users around the world. The non-university users downloading these illegal files take bandwidth away from students and members of the university community intending to use the network for educational purposes.

Many universities use bandwidth management tools to reduce bandwidth demands from illegal and improper use of the university networks. These tools can be used to take such steps as monitoring for inappropriate use, metering the bandwidth available to each student, setting caps on upload speeds, and blocking access to infringing P2P services. The Sergeant at Arms of the United States Senate has recently announced it would block the Senate’s network users from accessing P2P networks. Other government, corporate, and educational institutions have put in place measures to prevent illegal use of P2P services. There are a number of companies that offer these bandwidth management tools, and we have attached a list of some of those companies for your information. Of course, P2P technology is exciting and holds great promise as a means of legitimately distributing works — it is the misuse of this technology by entities such as KaZaa, Grokster and Morpheus that causes problems for digital networks.

**Security and Privacy Risks from P2P**

P2P also poses serious network security and student privacy risks. For example, it has been widely reported that KaZaa, one of the most popular P2P applications, has software imbedded that allows a third party company to take over a portion of the user’s computer and bandwidth. P2P software is also susceptible to worms and viruses.
specifically designed to exploit P2P applications. Many P2P users are not fully aware that their most personal
documents may be available for millions of users to download.

This is a serious challenge that calls for immediate, concrete action. As a president of an educational institution
and a leader in the university community, we ask for your leadership in addressing student piracy on your network.
Specifically, we urge you to adopt and implement policies that:

• Inform students of their moral and legal responsibilities to respect the rights of copyright owners
• Specify what practices are, and are not, acceptable on your school’s network
• Monitor compliance
• Impose effective remedies against violators

We have attached a list of Internet links to selected university Codes of Conduct to demonstrate some of the
positive steps already being taken in the university community to address the issues implicated by misuse of university
networks. The Internet poses challenges to all institutions with digital networks, and we believe that these colleges and
universities have done a commendable job in responding to these emerging challenges.

We appreciate your taking careful account of these serious matters and hope that you will take the time to share
with us your comments and observations. We stand ready to be of assistance in any way you might find helpful and
look forward to working with you on this project of mutual interest.

Hilary Rosen
Chairman and CEO,
Recording Industry Association of America

Jack Valenti
President and CEO,
Motion Picture Association of America

Edward P. Murphy
President and CEO,
National Music Publishers' Association

Rick Carnes
President,
The Songwriters Guild of America
ATTACHMENT

Selected University Acceptable Use Policies

_Drake University_
http://www.drake.edu/it/cio/AcceptableUse.html
http://www.drake.edu/it/cio/Copyright.html

_The University of North Carolina at Chapel Hill_
http://www.unc.edu/policy/copyinfringe.html
http://www.unc.edu/policy/copyright_primer.html

_University of Michigan_
http://www.umich.edu/~policies/responsible-use.html
http://www.umich.edu/~policies/digital-media.html

Companies That Offer Bandwidth Management

_Allot Communications_
http://www.allot.com/

_NetReality_
http://www.net-reality.com/

_Packeteer, Inc._
http://www.packeteer.com/

_Palisade Systems, Inc._
http://www.palisadesys.com

You may contact signatories of this letter at:

**RIAA**
1330 Connecticut Ave, NW
Suite 300
Washington, DC  20036
www.riaa.org

**MPAA**
1600 Eye Street, NW
Washington, DC 20006
www.mpaa.org

**NMPA**
475 Park Avenue South
29th Floor
New York, NY 10016
www.nmpa.org

**SGA**
1500 Harbor Blvd.
Weehawken, NJ 07086
www.songwriters.org