

Special memo on File or Internet Systems and the Exchange of Copyrighted Materials

December 2006

To the McGill University community:

The Code of Conduct for Users of McGill Computing Facilities governs the behaviour of all users. The first obligation is to "be responsible for using these facilities in an effective, ethical and lawful manner." McGill University has recently experienced a considerable increase in notices from owners of copyrighted material alleging infringement by members of our community. Canadian and Quebec laws provide legal procedures whereby copyright holders have recourses against violations of their intellectual property rights.

Individuals who have been given privileges on the McGill network, whether students, staff or consultants, must be familiar with university computer and network policies, and also have a duty to inform themselves about the laws regarding infringement of copyright and be aware of the potential consequences for violation of these laws or of university policies. [McGill's policies are available online](#) for your review.

I take this opportunity to remind all members of our community that the distribution of copyrighted material that you do not own or for which you do not have either a license or the copyright owner's permission to use is a violation of both criminal and civil laws. Copyrighted materials include written works, movies, television shows, music, games and software.

Some members of our community may not know that file or Internet share systems, such as Bear Share or Bit Torrent, automatically distribute such material when outbound functions are on and your computer is hooked up to the Internet. As a consequence, even if you have legally purchased a copy of material, for example on CD or DVD, if that material is loaded on your computer and you run one of these systems, you may be in violation of law for distributing it over the Internet.

Copyright holders, such as those from the recording industry, the motion picture association, and business software groups, vigorously enforce their property rights. To be sure, not every notice results in a lawsuit, but if a copyright holder initiates a case and serves McGill University with a legitimate legal subpoena requesting the identity of an individual using the Internet Protocol address alleged to be involved in an infringement, the University will have to honour that request.

Finally, although we are exploring it, at the present time McGill University does not sponsor a legal media program. Internet services--as distinct from file share programs--such as iTunes or Napster are available directly and provide legal material (e.g., www.campusdownloading.com/legal.htm).

Whether file or Internet share programs, such as DC++ or MyTunes, are legal has yet to be decided in courts of law. Users of the McGill University network need to know that sharing of copyrighted material on such systems might very well be illegal. Therefore, if you use these services you might be in violation of the law for sharing the copyright protected material exchanged by that system.

If you have any questions regarding this information, please feel free to contact [Marlene Newton](#), senior program manager with the Office of the CIO, who would be glad to talk with you about digital copyright.

Sincerely,

Prof. Anthony C. Masi
Provost and Chief Information Officer

December 8, 2006