

Copyright and File Sharing Policy

1. Introduction

The purpose of this policy is to set out the appropriate use of peer-to-peer (P2P) file sharing applications used on or across the university network. File sharing technology provides the ability to share electronic file content among users, and examples include, but are not limited to BitTorrent, KaZaA, and Freenet. Although there are legitimate P2P applications and uses for this type of technology, it is frequently misused for the illegal downloading and sharing of electronic content including music, films, software and other materials which are copyrighted. The downloading or sharing of such copyrighted content without the permission of the copyright owner is illegal.

Infringement notices are issued by copyright agencies, working on behalf of the copyright owners, and the user in question responsible for the illegal download or sharing undertaken may be subject to legal action.

Users of the Birmingham City University network are responsible for adhering to the legal requirements set out in UK Copyright Law, and also the university's internet service provider Janet's Acceptable Use Policy (AUP). Details of which can be found under the Related Documents & Resources section at the end of this document.

2. Scope

This policy applies to all the following groups at Birmingham City University:

Anyone using **computer equipment** that is the property of Birmingham City University.

Anyone accessing the Birmingham City University network **remotely**

All Birmingham City University **Staff**

All Birmingham City University **Students**

Associate **Staff** (Visiting Lecturers, KTP Associates)

Visitors to the University who are issued with **temporary guest accounts**

Visitors from other educational institutions using their home organisation **accounts**

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3. Issues caused through the use of illegal peer-to-peer file sharing

In addition to the legal copyright law requirements set out previously in this document there are several concerns around the use of peer-to-peer applications on the University network. These include:

- Peer-to-peer file sharing applications have the ability to share the user's data stored on their machine or device, where the file sharing application has been installed. As a result this could lead to the user unknowingly sharing personal, and other sensitive information with others inadvertently.
- Peer-to-peer file sharing applications can introduce security threats to the university network and systems through viruses, malware, spyware, in addition to potential password and identity theft.
- Peer-to-peer file sharing applications can consume large amounts of bandwidth, through user's knowingly or otherwise hosting or downloading material. As this may impact legitimate university network activities, the university reserves the right to undertake bandwidth limiting or 'bandwidth throttling' as this is known, for file sharing traffic as deemed necessary to preserve network resources for business purposes.

4. University policy may be violated through peer-to-peer file sharing activities

Birmingham City University's Copyright & File Sharing Policy prohibits the use of its computer network and internet connections for the downloading, sharing or distribution of copyrighted material; be it in the form of music, films, software or other electronic content. Failure to adhere to this requirement would be a clear breach of the policy and may result in both legal action through the associated copyright agencies, in addition to disciplinary measures enforced by the university.

The university has taken a balanced approach to peer-to-peer file sharing to ensure adequate security, whilst not unduly inconveniencing users who are using this type of technology legitimately. It is currently therefore Birmingham City University's policy not to block peer-to-peer file sharing applications, however the university reserves the right to do so in the future.

Through the implementation of technology based control measures the university will endeavour to limit any negative effects of peer-to-peer file sharing. This will include the monitoring of traffic where there is concerns over legitimate usage of university bandwidth and resources, and apply bandwidth limiting controls where necessary.

There may be occasions when a user has unintentionally visited a web site or online resource hosting such peer-to-peer services. As a result the university has decided that raising of user awareness in such instances should be undertaken to promote the risks involved. When users of the university network attempt to access resources hosting peer-to-peer file sharing content they will be presented with a challenge page. This will inform the user of their obligations around copyright material through a link to this policy, and additionally provide the option to continue (with notification of activity being logged), or to not proceed in accessing the resource in question.

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5. Advice on how to comply with copyright law

The easiest way to ensure compliance with the copyright law is to simply avoid installing peer-to-peer applications on your computer or device. These applications have a tendency to start running by default on installation, which the user may not be aware of initially. As a result they can easily be overlooked, and as a result user data shared unintentionally.

Although the University network may appear to provide attractive amounts of available bandwidth for file sharing activities users should be aware that both the internal and internet connections may be subject to be monitoring where there is a belief that there may be illegal activity being undertaken?

If you have intentionally or otherwise downloaded or shared copyrighted material and received a copyright notification on behalf of the copyright owner the following web resource provides some useful guidelines on [‘what to do now’](#), and [‘how do I know what is and isn’t legal’](#)

6. Legal online digital services

There are a number of online resources including the [Content Map Project](#) which is designed to showcase available legal services for accessing films, TV, Music, Games, eBooks and Sports.

7. Disciplinary measures

You agree to abide by the [Policy for Use of Computer Systems & Networks at Birmingham City University](#) and [Janet’s Acceptable Use Policy \(AUP\)](#). Failure to comply with these policies will result in action being taken under the Birmingham City University Staff or Student Disciplinary Processes.

8. Definitions

P2P – Peer-to-peer file sharing is a technology used to download and share and electronic file content across networks.

AUP – An Acceptable Use Policy defines the set of rules in which a network, system or service may be used and sets the guidelines on this this is achieved.

Bandwidth throttling – Is the intentional slowing of targeted network or internet based traffic to preserve overall traffic activity, which may otherwise be impeded by bandwidth consumption of an individual’s usage, or application type.

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9. Exceptions

There are currently no policy exceptions, however any queries related to the policy may be forwarded to the IT Security Manager at itsecurityhelp@bcu.ac.uk

10. Related Policies & Resources

Janet acceptable use policy: <https://community.jisc.ac.uk/library/acceptable-use-policy>

UK Copyright Law fact sheet: <https://www.copyrightservice.co.uk/ukcs/docs/edupack.pdf>

Digital Economy Act 2010: <http://www.legislation.gov.uk/ukpga/2010/24/contents>

Respect Copyrights: <http://www.respectcopyrights.org/>

11. Policy Review

This policy will be reviewed on an annual basis, or if there is a change in legal or other business related requirement.

Review Date	Description	Reviewer
06/04/2020	Copyright File Sharing Policy	IT Security Manager

12. Document History

Version Date	Description	Authors
02/03/2016	Copyright File Sharing Policy version 1.0	IT Security Manager
22/03/2016	Policy approved and accepted, by University Executive Group (UEG)	UEG approval
10/03/2017	Policy Reviewed – No Changes	IT Security Manager
16/04/2018	Policy Reviewed – No Changes	IT Security Manager
08/04/2019	Policy Reviewed – No Changes	IT Security Manager

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