

DMCA Violations: Frequently Asked Questions

1. What is the DMCA?

DMCA stands for Digital Millennium Copyright Act. It is a federal law that protects all forms of copyrighted material (music, movies, television programs, software, etc.) from unlawful reproduction online.

2. Why have I received a notice from ATCC?

When you use a “peer-to-peer” file sharing program to upload or download a file, the IP address associated with your account is stored on the file sharing program’s website. Entities that represent copyright owners including the Recording Industry Association of America, Inc. (“RIAA”), the Motion Picture Association of America, Inc. (“MPAA”), Entertainment Software Association (“ESA”), and Business Software Alliance, Inc. (“BSA”) search these registries to determine if any of their copyrighted works may have been illegally shared. When these entities determine that one of their copyrighted works may have been illegally shared, using the IP address stored by the peer-to-peer site, they contact ATCC as the internet service provider, or ISP, who maintains the IP address advising us that one of our users may have illegally shared a copyrighted work. Under the DMCA, ATCC is required to pass along this notice of alleged infringement to you.

In accordance with our Acceptable Use Policy, we then send you a notice that ATCC has received a notice of violation and request that you, the subscriber, remove the infringing material from your computer. You have received a notice because we have been alerted by one of the aforementioned copyright-policing entities that your IP address is connected with a DMCA violation, the specifics of which may be found in the letter you received. We will also inform the copyright-policing entity that you have been notified, but we do not provide them with your name or address unless we have received a subpoena.

3. What is the next step?

If you have received a notice from ATCC alleging copyright infringement, please remove the infringing material from your computer and refrain from future unauthorized downloading and/or sharing of copyrighted files. If you continue to engage in online copyright infringement, your account will be suspended.

4. I have not engaged in unlawful downloading or sharing of copyrighted material. What should I do?

Check your computer to make sure that the material referenced in the letter is not there. If you find that it is, but you do not know how it got there, delete the material, notify ATCC that you have deleted the material by sending an e-mail to liberty_knight@alliedtelesis.com, and make sure your anti-virus and/or anti-spyware software is working properly.

Also, check with anyone who you may have authorized to use your account to make sure they are not engaging in unauthorized downloading and/or sharing of copyrighted material.

5. I have the alleged material on my computer, but I obtained it legally. Why have I been linked to a DMCA violation?

If you have peer-to-peer file sharing software on your computer, it may be automatically adding your legally-obtained files to its server, making them available illegally to other users. Most file-sharing programs, when they are installed, automatically scan your hard drive for files to share with the rest of the world. You need to disable this feature. If you are unable to keep the software from offering your files for download, you may want to consider removing the software from your computer. The most common peer-to-peer file sharing applications include:

- Kaza
- Gnutella
- Morpheus
- LimeWire
- BitTorrent
- eDonkey2000

There are other reasons why you may wish to disable file-sharing. Some file-sharing sites will download spyware to your computer giving others, including hackers, access to your personal files and programs. If you have used a peer-to-peer service, you should be running anti-spyware and antivirus programs. Additionally, since file-sharing uses a lot of network bandwidth, letting file-sharing programs run in the background will cause your computer to appear to run slowly.

If your DMCA violation involves a piece of software that you purchased on-line, make sure that the provider of the software is legitimate. Some websites offering software for purchase are actually "Warez" sites, offering pirated software for purchase at discounted prices.

To learn more about Warez sites and peer-to-peer file-sharing, visit <http://www.bsacybersafety.com/threat/>.

6. I am using a fee-based service to download the files. Since I pay the fee, doesn't that allow me to download the copyrighted material legally?

In some cases, when you pay a fee for upgraded peer-to-peer services, that fee only pays for the license for that software – not for the content you are downloading. If you have purchased an upgraded version of a peer-to-peer program, be sure to read the End User License Agreement ("EULA"). The EULA should tell you whether or not paying the fee for the software will allow you to legally download copyrighted material.

7. I have checked my computer and I am not running any file-sharing programs and I do not have the content on my PC. Is there another way that it can look like I am sharing files?

If you are running a wireless router on your Internet connection, then it is possible that someone else is using your access to share files. This is because the IP address that is assigned to you actually resides on the router and not on your PC. In order to stop unwanted sharing on your wireless network, please consider taking the following precautions:

- When you first activate your wireless router, log onto your router with the directions given in the manual and change the admin password.
- Enable security on your router (normally WEP) so that users need to be authenticated on your wireless network with a "key" that is either defined by the router or a pass-phrase that you can define.

- Some routers allow users to setup access tables that will only accept certain MAC IDs (the physical networking address of a PC) and this ensures that nobody except people you want to can access your wireless network.

8. I am unable to access my account. Has it been suspended due to a DMCA violation?

ATCC will not suspend your account without additional notice to you specifically stating that your account is being suspended. If you are unable to access your account and you have not received any prior notice of suspension, please contact technical support at 411 or 1-415-692-8302.

The following links are provided solely to assist our customers in understanding and responding to any DMCA Notices sent by copyright holders alleging copyright infringement or illegal downloading. ATCC is not responsible for the content of such sites or any actions you may take in reliance on the information contained on such sites.

- musicunited.org
- bsa.org
- baytsp.com/faq