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Stanford Reports Students to RIAA

Stanford, CA (The Stanford Daily) - A new revision to Stanford's copyright-infringement policy has students questioning the administration's concern for student privacy.

As the news spreads through campus, students are expressing feelings of nervousness and fear in anticipation of RIAA-backed, university-sanctioned forays into their computers, and subsequent lawsuits. The new policy, in response to pressure from the RIAA and other media lobbying organizations, marks a major reorganization, drastically different from any other university, of how Stanford deals with violations of the Digital Millennium Copyright Act (DMCA).

Under the new policy, Stanford proactively seeks violations of the DMCA and media copyrights on its networks, and directly reports all violations to the RIAA and other appropriate authorities. These changes reflect an unusually large number of complaints regarding typically tech-savvy students in the heart of Silicon Valley. Already, 78 unnamed students have been reported in just the first day under the new rules, with that number expected to dramatically increase in the coming days.

Under the old, "three-strikes" policy, students were fined for their first two DMCA complaints, although Stanford would not divulge their identities to the RIAA. Upon a third complaint, students were brought under judicial review, where they faced potential disconnection from the Stanford network and were mandated to obey RIAA subpoenas. Over thirty students have reached this point in the last year, with settlements totaling over \$100,000.

This drastic change now requires the university to flag and report each individual download spotted on the network. An ITSS spokesperson explained, "This isn't the usual risk associated with illegal downloading. If you download 100 songs, 100 complaints will likely be forwarded to the RIAA. This is consistent with students' user agreements, and we strongly urge everybody to take this news very seriously."

Administrators have hailed the changes as an important first step toward Stanford becoming in copyright enforcement among universities. Provost John Etchemendy said, "Stanford is a world leader in intellectual property law, and we are proud to be the first institution to proactively defend copyrights and protect creative freedom. Many students, understandably, will oppose such a policy, but it's not about what's fair; it's about what's right."

The majority of offending students have twenty days to settle with the appropriate company by paying between \$3,000 and \$5,000. Students are dissuaded from going to court, since recent court rulings have upheld the constitutionality of demanding up to \$9,250 per song in damages. The new university rules also cover more than just music. All DMCA violations are prosecuted in similar manners by the Motion Picture Association of America (MPAA), which represents movie studios, and the Entertainment Software Association (ESA), which represents the software entertainment industry.

Based on estimated usage statistics from the last three weeks, ITSS predicts that approximately 34% of Stanford undergraduates will be contacted by the end of Wednesday. Most students have spoken in furious opposition to Stanford's bold stance. "This is a clear violation of student privacy. I think Stanford's submission to the RIAA mafia is not only abusive and uncalled-for, but also illegal," said Kelly Davidson '10.

Other students expressed worries about their own safety and risk. Derek Pang '09 said, "I've been hosting an FTP server for songs and TV shows for my friends for two years based on the assumption that I had privacy on the Stanford network. This is ridiculous."

Many of the 78 students who have already been contacted by the RIAA have sought outside legal help. The Electronic Frontier Foundation (EFF) has openly expressed sympathy, and will likely file amicus briefs in the coming week. One of the 78 students, who requested to remain anonymous, told the Daily, "I've spoken with my lawyer, and we're confident that we have a case against the university. My parents have agreed to pay the \$3500 settlement, but we feel Stanford is liable for this violation of student privacy rights." In addition, several students claimed to have already contacted the local branch of the American Civil Liberties Association (ACLU). As of late Sunday, the ACLU has not returned calls from the Daily.

Not every Stanford student knows that the ASSU Legal Counseling Office offers free legal advice. The office may be contacted at 723-3381. Attorneys are onsite Tuesdays and Thursdays from 12-4 PM. However, it is expected that the office will scramble to increase these hours in anticipation of increased traffic. In a brief phone conversation, the Legal Counseling Office only said that they are bustling and are too busy to comment specifically on the issue.

Stanford's new approach varies drastically from that of other universities. In May, 2007, the Harvard Crimson quoted esteemed Harvard Law Professor Charles Nesson as saying, "Seeking to outsource its enforcement costs, the RIAA asks universities to point fingers at their students, to filter their Internet access, and to pass along notices of claimed copyright infringement. But these responses distort the University's educational mission. ...[W]e should be assisting our students both by explaining the law and by resisting the subpoenas that the RIAA serves upon us. We should be deploying our clinical legal student training programs to defend our targeted students." Harvard has since stopped receiving DMCA subpoenas from record companies.

Stanford has launched a website devoted to informing students of the new changes, as well as indicating whether their names have been or will soon be sent to the RIAA or other associations. Students who wish to find out if their information has been supplied to the RIAA can visit <http://riaa.stanford.edu>, where they can supply their name and will be informed of their status under the policy. This information will be updated frequently as new infringements are identified, so students are urged to check back periodically.

Students requesting information about the policy or curious about their current legal options may email an ASSU Legal Counseling Office attorney at stanfordriaa@gmail.com.

Student concern is already at an all-time high and is expected to escalate as news circulate. Justin Williams '08, who heard from the RIAA last week, expressed his worries, saying, "I can't afford this. I might have to leave Stanford."