Memo

To all Colby students, faculty and staff
Wednesday, April 18, 2007
Subject: Notice of receipt of RIAA settlement letters

I am writing to inform you that allegations have been made by an attorney for the Recording Industry Association of America that one or more users of Colby's network have been "violating federal copyright laws by uploading and downloading the record companies' copyrighted sound recordings without authorization." The RIAA attorney has identified specific IP addresses on the Colby network that it claims have engaged in illegal uploading and downloading. The College has been informed that the RIAA intends to bring a copyright infringement suit in federal court against the users of the identified addresses, and has asked the College to forward to the users a "settlement letter" through which the user may discuss resolution with the RIAA of the impending litigation, by agreement, before a suit is filed. Copies of the five settlement letters received by the College, in PDF format, are available on the ITS policies web page:

www.colby.edu/info.tech/policies

Each notice includes the number of audio files observed, the software system used to share files and details on a number of specific files, including the copyright owner, album, artist and recording title.

The College has informed counsel for the RIAA that it is unable to identify the names, addresses or phone numbers of the users of these specific IP addresses because the date of usage of the IP address is not sufficiently recent to permit identification of the user. The College has been advised by its legal counsel, however, that if the RIAA provides notice of an alleged act of infringement at a time when Colby's systems will allow identification, the College is obligated by law not only to preserve that information, but to provide the RIAA with user-identifying information in response to a lawfully issued subpoena. The College will of course comply with its legal obligations in this regard.

I urge any member of the Colby community who has engaged in unauthorized downloading or uploading of copyrighted files to cease that conduct immediately. Obviously, this is a matter that the College takes very seriously and you should as well. While Colby cannot and will not give legal advice in this matter, you should assess your circumstances and take appropriate action. If you believe you are or even may be one of the targets of the RIAA investigation described in the five settlement letters, College counsel has recommended that we advise you to consult an attorney to obtain advice on any potential legal liability to the RIAA.

Raymond B. Phillips, Dir. of Information Technology Services, Colby College