DEPARTMENT OF THE ARMY
UNITED STATES MILITARY ACADEMY
West Point, New York 10996

REPLY TO ATTENTION OF

MAIO 28 March 2009

USMA POLICY MEMORANDUM #25-IA-01-06

SUBJECT: Policy Regarding Downloading and Sharing of Digitized Copyrighted Works

1. **PURPOSE**. To establish policy regarding the downloading and sharing of digitized music, movies, and other copyrighted works and the use of online file sharing services at West Point.

2. **APPLICABILITY**. This policy applies to all cadets, staff and faculty of the United States Military Academy, the U.S. Army Garrison, West Point, subordinate agencies and activities, and tenant activities (USMA), West Point, New York.

3. BACKGROUND.

a. The No Electronic Theft (NET) Act (http://www.usdoj.gov/criminal/cybercrime/17-18red.htm) makes it a federal crime to reproduce, distribute, or share copies of electronic copyrighted works such as songs, movies, games, or software programs, even if the person copying or distributing the material acts without commercial purpose and/or receives no private financial gain.

b. The sharing of any copyrighted software or music on a personal computer has been determined to be illegal by the U.S. Judicial System. Successful lawsuits have been filed by the Recording Industry Association of America (RIAA) against cadet/students at the US Naval Academy, Princeton University, Rensselaer Polytechnic Institute and many other institutions.

4. POLICY.

a. Sharing, downloading or accessing music, movies and other copyrighted works using the West Point network and via the Internet is not permitted. Use of any P2P file-sharing software for this purpose is also not permitted. Openly sharing digital music, movies and other copyrighted works in this manner is a blatant breach of the law and dramatically weakens the West Point network's security by opening a backdoor on P2P enabled computers. Shared folders, including password protected shared folders, used to share music or other copyrighted material is illegal.

b. Digital music, movies and other copyrighted works may not be burned to CDs or other media to give away or sell, nor should CDs or other media of this sort be accepted from other cadets, staff or faculty.

c. Digital copies of CDs or other media, which belong to someone else, may not be produced.

d. Cadets, Staff and Faculty are permitted to make digital copies of their CDs or other media that they own for backup, storage and personal use on their computers. They may not place digital music, movies and other copyrighted works in shared folders.

e. Cadets, Staff and Faculty may listen to someone else's digital music using a program, such as iTunes. These types of programs provide the ability to listen to music on another computer (behind the same local router) without having to copy the digital file while simultaneously denying download privileges from the other computer. Software programs that are written to circumvent such protective sharing features (as within iTunes) are illegal and the use of programs that allow the downloading of someone else's music from these programs is prohibited.

f. Cadets may use legitimate services, such as Rhapsody, iTunes, Walmart.com, and Napster.com to download songs and music for their own personal use. The following link: http://www.riaa.com/toolsforparents.php?content_selector=legal_music_sites contains the RIAA top legitimate music services offered. Cadets must use legal services, while avoiding web sites/services from countries that do not have laws to protect intellectual property rights (such as mp2search.ru and Rapidshare.de). Cadets that are unsure of a web sites legal status should consult their computer officers/information management specialists to verify the legitimacy of a site/service. Staff and Faculty will refrain from using music download services on the government network.

g. The USMA Chief Information Officer is the point of contact for this policy. Users violating this policy will be subject to disciplinary actions.

5. **EXPIRATION.** This policy is effective until superseded or rescinded.

FOR THE SUPERINTENDENT:

MICHAEL S. YARMIE
COL, SC
Chief of Staff

DISTRIBUTION:
A-E Electronic