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Before the Subcommittee on
Courts, the Internet and Intellectual Property
Committee on the Judiciary
U.S. House of Representatives

Oversight Hearing on
Peer-to-Peer Piracy (P2P)
On University Campuses: An Update

October 5, 2004

Mr. Chairman, Congressman Berman, Members of the Committee, I appreciate this opportunity to appear before the subcommittee today. I am here this morning to share with you a close-up view of UCLA and the University of California in action on peer-to-peer file sharing and copyright infringement.

The starting point is to state emphatically that, as creators of intellectual property ourselves, UCLA and the University of California (let me refer to University of California as UC) take illegal file sharing and copyright infringement very seriously.

This is not an idle statement but in fact a position statement that has made it possible for UCLA and UC to form a constructive working partnership with a core group of MPAA member studios and the MPAA itself in the Los Angeles area. The value of our UC/Studios working group continues to evolve positively and expand.

For UCLA, a key step beyond education and bandwidth management has been the development of an approach called the "UCLA Quarantine." The value of the UC/Studios working group becomes apparent in that the genesis of the UCLA Quarantine approach arose from an early dialog with Universal Studios. At the time, UCLA was articulating what

it wanted to achieve and Universal was developing the Automated Copyright Notification System, or ACNS. We proceeded with the implementation of the UCLA Quarantine approach inspired by a number of the concepts in the ACNS framework. Universal developed and submitted ACNS to the Joint Committee.

At its most fundamental level, the UCLA Quarantine approach turns a copyright infringement notification into a campus judicial matter. Upon receiving a claim of infringement, the offending computer, associated with the named network address, is identified and put into quarantine: that is, file sharing is effectively blocked internally and externally. Access to on-campus student services such as library resources and registration is still maintained while in quarantine, recognizing that an individual needs to continue to function in his or her educational capacity even as the claim is adjudicated.

The “first offense” situation is treated as a teachable moment, with the goal of changing behavior. The quarantine can be lifted by an automatic process upon acknowledgement and agreement with policy and the removal of the material. It is made clear that a repeat offense will result in being summoned by the Dean of Students and that sanctions have ranged from warnings to suspension.

The quarantine approach was put in place for Spring Quarter 2004. We hesitate to draw conclusions on cause and effect or overall impact without further data and experience to conduct an appropriate assessment. However, there are two observations from this first quarter of operation that stand out and will be reviewed. First, there was a substantial drop in notifications at the point in time that the quarantine went into operation. Secondly, there have been no repeat incidents once the quarantine approach was in operation.

It should be understood that while UCLA is a campus of 35,000 students, about 7,500, or about 20%, live in residence. This distribution of residential and non-residential students is similar for the UC's 200,000 students across its 10 campuses. For UCLA, again similar to other UC campuses, over 80% of copyright notifications are pointed to machines in the residential halls. Those pointed to machines on the main campus have usually been the result of security issues. The UC culture is one of strong respect for copyright and the law but also strong respect for due process and privacy.

From the outset, we sought more holistic approaches that (1) would satisfy copyright law, (2) could become an integrated part of the community and its policies, processes and culture, (3) would be *sustainable*, (4) would be more than a short-lived fix to solve an immediate problem especially in light of how rapidly the technology is changing, and (5) would deal with the piracy problem fundamentally as a student life problem and not just an information technology problem.

In stressing the main points, the UCLA Quarantine approach:

- Preserves due process for the individual while fully complying with the letter and spirit of the copyright laws.
- Is driven as a judicial matter, not as an information technology issue.
- Ensures the student judicial process and sanctions for copyright infringement are viewed in the context of all judicial issues.
- Is technically integrated with virus and security management of student computers in the residence halls.

Recently, the University of California began work on a Request for Proposals with the intent of facilitating access for UC campuses to legal on-line entertainment media services. For UCLA, we believe some kind of legal service will be another important “piece of the puzzle” but we also realize we must now consider movies in addition to music. The University and the UC/Studios working group is also cooperating with the Governor’s office on Governor Schwarzenegger’s recent Executive Order on anti-piracy.

In closing, I want to again acknowledge the constructive impact and value of the UC/Studios working group. We are currently sharing information on illegal file sharing trends and indicators, discussing policy recommendations to the State Government and considering selective evaluation projects and pilots.

I hope this quick tour of our efforts may have provided you with insight into operational approaches that we believe show signs of addressing some of the issues of this very complex and big problem.

I thank you for this invitation to speak on this topic and would be pleased to respond to any questions.