

National Yang Ming Chiao Tung University

Operating Procedure for Suspected Infringement of Intellectual Property Rights on Campus

Approved in the management meeting of the NYCU Information Technology Service Center
on July 30, 2021

Article 1 Objective

In the current era of information and communication technology advancement, computers, the Internet, and technology have brought convenience to people's daily lives. Most people use digital methods to input, collect, process, store, and use data. The ubiquity of digital data has made computers and the Internet both the target and tools of criminal activity. To protect the works and research of NYCU from being stolen, suspected infringements must be urgently addressed. The NYCU Information Technology Service Center (hereafter referred to as "the Center") herein stipulates the procedure for dealing with such incidents to ensure the protection and management of the intellectual property rights of NYCU.

Article 2 Principles of fair use of online intellectual property rights

The use of computers and the Internet is governed under the regulations of Copyright Act. All information, including texts, pictures, animations, audio materials, videos, and computer programs, transmitted online are protected under the Copyright Act. Therefore, Internet users must be aware of the regulations of the Copyright Act. The actions of accessing and using information online through browsing websites is justifiable. However, Internet users must note that behaviors, including uploading, downloading, reposting, forwarding, pasting, editing, transmitting, printing, modifying, and scanning, are strictly regulated under the Copyright Act.

When online operators or managers intend to upload publicly accessible information, they must pay attention to whether the sharing of the work is authorized by the copyright owner. Because uploading involves storing information on a hard disk drive of an online server, this act involves the reproduction of the information, thereby constituting the possible infringement of copyright.

Article 3 Scope

The present procedure applies to all the faculty and students of NYCU. The scope includes administrative units, academic units, dormitory networks, research centers, the Center for Industry–Academia Collaboration, and NYCU FTTB.

Article 4 Project work

1. Sessions for promoting intellectual property rights (twice per year)
Lawyers or legal scholars are invited to promote relevant laws. The foci of such promotion sessions are topics related to the “use of online intellectual property rights” and “infringement behavior and legal responsibility in the use of P2P software.” The target audience is the faculty and students of NYCU.
2. Intellectual property rights quizzes with prizes (annually)
Online quizzes with prizes are established to enhance students’ understanding of intellectual property rights. The quiz items include topics related to the Copyright Act, Patent Act, Trademark Act, and Trade Secrets Act. The items shall relate to daily scenarios. The target audience is the faculty and students of NYCU.

Article 5 Procedure for handling the suspected infringement of intellectual property rights on campus

1. The Center receives reports of suspected cases of the infringement of intellectual property rights. The report sources include the Ministry of Education TANet suspected infringement of intellectual property rights reporting website, letters from the police, reports from the Department of Information and Technology Education, and reports from other units outside NYCU.
2. The Center identifies the unit associated with the given internet protocol (IP) address (including administrative units, academic units, dormitory networks, research centers, the Center for Industry–Academia Collaboration, and NYCU FTTB).
3. The Center reports the suspected infringement to the primary supervisors and information security managers of the Center.
4. The Center submits a report to the primary supervisors or network engineers of the relevant unit.
5. The Center composes and submits an official letter to the relevant unit for collaborative processes.
6. The relevant unit identifies the IP user and the host location and reports the case to the advisor or laboratory director.
7. The IP may be blocked immediately depending on the severity of the case, and the digital evidence is preserved.

8. The Center supports the relevant unit in engaging in internal investigation, evidence collection, evidence preservation, evidence examination, and evidence analysis.
9. After the investigation process, the IP user must be informed that their behavior infringes on intellectual property rights. If the user admits to violating intellectual property rights, they must complete the Reply Form for Processing the Infringement of Intellectual Property Rights and sign an affidavit of confession of judgment.
10. If the user denies violating intellectual property rights, the unit network engineer shall record, preserve, and submit the evidence to prosecutors for further processing.
11. If the reported IP address is confirmed to be associated with the infringement of intellectual property rights, the user of the address who violates NYCU Campus Intellectual Property Rights Regulations for the first time and whose infringement is considered to be mild shall have their IP address blocked for 2 weeks. Recurrent infringement shall lead to the blocking of the IP address for 1 month, and the violator shall be punished according to National Yang Ming Chiao Tung University Student Reward and Punishment Guidelines.
12. If any illegal behavior is involved, the Center shall support the relevant unit in preserving and submitting relevant investigation evidence and records to prosecutors for further processing. The court shall summon the user for interrogation.

Article 6 Internet use must comply with NYCU Campus Network Use Regulations (approved in the fifth administrative meeting in the academic year of 2020 on June 2, 2021)

Internet users shall respect intellectual property rights and must not engage in any of the following behaviors:

1. Using unauthorized computer software.
2. Illegally downloading and replicating works protected under the Copyright Act.
3. Uploading copyrighted works on publicly accessible websites without the consent of the copyright owner.
4. Arbitrarily reposting articles from online forums in which the author clearly states that reposting is prohibited.
5. Using websites or P2P tools to make copyrighted works publicly accessible.
6. Engaging in other behaviors relating to the infringement of intellectual property rights.

Article 7 According to ISO27001 Information Security Management, the Center shall provide security examination record forms for all units

of NYCU. In each semester, the Center cooperates with unit-affiliated network engineers to audit information security and intellectual property protection measures without a fixed schedule.