

# NOTICE

This message is being sent to ##### (#####) at ##### on #####.

The University of Manitoba (“**U of M**”) has recently received legal notification that alleges an act of copyright infringement from an IP address that was assigned to you, or that the University reasonably believes was used by you at the time the alleged infringement occurred.

The unaltered notice is attached here/set out below. You’ll note that it contains the time of the alleged infringement, and the content that was allegedly copied.

Having received an infringement notice, the Canadian *Copyright Act* requires the U of M to do three things:

1. forward the infringement notice to you;
2. notify the person who sent the notice that the University has forwarded the notice to you, and
3. retain this record that will allow your identity to be determined for 6 months from the date that U of M received the infringement notice (or 12 months from such date, if court proceedings are commenced).

## **Important Points:**

- If you receive a notice of alleged infringement, it is because a copyright owner has identified your Internet address as being involved in an activity that allegedly infringes their copyright.
- Receiving a notice does not necessarily mean that you have in fact infringed copyright or that you will be sued for copyright infringement.
- The content owner likely does not know your identity. The U of M has not provided your identity or contact information to the content owner and will not do so unless required to by a court order or other legal process. Responding to the content owner will provide them with your identity.
- The Notice and Notice regime does not impose any obligations on a subscriber who receives a notice, and it does not require the subscriber to contact the copyright owner or the intermediary.
- It is content owners who monitor the use of IP addresses to determine whether their copyright has been infringed. The U of M is not involved in this process.
- The U of M does not evaluate the legitimacy of the notices it receives from content owners. The U of M merely forwards the notices it has received, as is required by Canadian copyright law. The U of M does not endorse or support the allegation described in the notice.

- The notice sets out the content owner's position, but only a court ruling may determine your liability. It is the content owner's decision whether to take additional steps to enforce their rights.
- U.S. copyright fines and penalties do not apply in Canada. Statutory damages for non-commercial infringement in Canada do not exceed \$5,000.

However, please be aware that unauthorized distribution or use of copyrighted material is in breach of the terms of University of Manitoba's Use of Computer Facilities Policy and Use of Computer Facilities Procedures, and that repeated breaches may result in disciplinary actions by U of M in accordance with the terms of such Policy and Procedures.

The University Use of Computer Facilities Policy and Use of Computer Facilities Procedures can be found at:

[http://umanitoba.ca/admin/governance/media/Use\\_of\\_Computer\\_Facilities\\_Policy -  
\\_2013\\_11\\_20.pdf](http://umanitoba.ca/admin/governance/media/Use_of_Computer_Facilities_Policy_-_2013_11_20.pdf)

[http://umanitoba.ca/admin/governance/media/Use\\_of\\_Computer\\_Facilities\\_Procedures -  
\\_2013\\_11\\_20.pdf](http://umanitoba.ca/admin/governance/media/Use_of_Computer_Facilities_Procedures_-_2013_11_20.pdf)

We confirm that you agreed to the terms of these policies and procedures as part of your being granted access to U of M computer systems, and you have certain responsibilities under such policy and procedures.

For more information about the Notice and Notice provisions, visit Industry Canada's website: <http://www.ic.gc.ca/eic/site/oca-bc.nsf/eng/ca02920.html>.

Thank you for your prompt attention to this matter.