

## Chegg: Professors and Publishers Turn to Copyright Laws to Remove Material from Chegg's Website

In anticipation of the new school year, two Purdue University engineering professors have just completed a new but already tiresome ritual: reporting hundreds of copyright violations to Chegg (CHGG), an online education company.

The professors, Jeff Rhoads and Chuck Krousgrill, want the questions that they've written for their homework and exams, as well as their answers, removed from Chegg's website to prevent students from cheating in upcoming classes.

*The Capitol Forum* has previously [reported](#) on Chegg and its ability to facilitate cheating by connecting students with subject matter experts in India who will answer their homework and test questions, which Chegg then archives in an easily searchable database for future students. So far, Chegg's database has over 23 million archived questions and answers.

Krousgrill said that while Chegg is "typically quite prompt in taking down the violating material," new solutions to the same problems are posted on Chegg's platform as soon as the homework is assigned again. "It's like whack-a-mole," Rhoads said.

Rhoads and Krousgrill have sent 10 takedown notices to Chegg documenting roughly 750 instances of copyright violations since spring 2018. "We have a time investment in these problems and their video solutions, and we want to reuse the homework over a cycle of two years or so," Krousgrill said, "so we took it upon ourselves to make a record of the solutions found, and report these to Chegg requesting that these solutions be removed."

"We have tried attaching a copyright label, such as a note of 'DO NOT POST' on the problem figures so that it will be clear to all that this is copyrighted material," Krousgrill said, "but these figures and associated problem solutions appear just as readily as those without the label even though Chegg has been specifically informed of the copyright."

Chegg did not respond to request for comment.

Other organizations have taken legal action to stop copyright violations. In 2013, Apollo Group and its subsidiary University of Phoenix sued the company Student of Fortune, which Chegg acquired in 2011.

Student of Fortune marketed itself as the "[eBay of homework](#)," acting as a broker pairing students seeking answers to questions with tutors who could provide answers.

In its suit, Apollo Group alleged that Student of Fortune was hosting and profiting from material bearing University of Phoenix's copyright.

While the terms of the settlement between Apollo and Chegg are not publicly available, Chegg [shut down](#) Student of Fortune five days after the case was dismissed and deleted all material on the website.

In 2017, the American Chemical Society filed a copyright infringement lawsuit similar to Apollo's against Chegg and its "Expert Q&A" service, claiming that Chegg was violating its copyright by hosting pages from its examinations on the platform.

In late 2018 Chegg sent updated [guidelines](#) to its experts in India, who answer questions. Chegg instructed the experts not to answer questions containing the term "ACS," and instead to flag them.

Despite the ACS litigation and updated guidelines, *The Capitol Forum* found several examples of ACS questions and full exam pages being posted, answered, and archived on the platform as late as May. Lawyers and representatives for ACS declined to comment for this article.

The Digital Millennium Copyright Act's Safe Harbor provision may insulate Chegg from legal liability for copyright infringement, according to Madhavi Sunder, a professor of copyright and intellectual property at Georgetown Law.

"Having an active and responsive takedown procedure is Chegg's main responsibility under the DMCA," Professor Sunder explained in an interview with *The Capitol Forum*, "because ultimately it is the students and not Chegg submitting the questions."

"You would hope that, given the issues involving academic cheating involved, Chegg would be more proactive in policing the activity on its platform, but it really has no obligation to do so," Sunder added.

But Robert Brauneis, a professor and co-director of the Intellectual Property Program at the George Washington University law school, believes that Chegg could be liable under what are known as "red flag" provisions of the DMCA.

Unlike other online service providers like YouTube, each copyrighted work posted to Chegg is manually reviewed by one of the company's Subject Matter Experts, potentially making it harder to claim that the company had no knowledge of the copyrighted work, Brauneis said. Chegg has argued in court that the subject matter experts are independent contractors and not employees of the company.

“There is a very serious issue as to whether Chegg has ‘red flag’ knowledge that the people who post the examination questions to its platform do not own copyright in those questions,” said Brauneis.

Should the universities decide to be more proactive in policing companies that facilitate contract cheating, they could notify Chegg that the universities do not consent to university-generated content being hosted on Chegg’s website. Any homework or test problem created as part of a university course, Brauneis explained, is subject to copyright protection even without registration at the U.S. Copyright Office.

“If I were counseling the universities, I might recommend that they send a communication to Chegg informing Chegg that they never authorize posting of exams or other materials on Chegg, and therefore that they will consider Chegg as having ‘red flag’ knowledge of infringement if Chegg learns that any exam is posted bearing the name of the university, or tagged with the university's name,” said Brauneis.

*The Capitol Forum* previously [reported](#) that the International Center for Academic Integrity was planning on sending a letter to university administrators in an effort to raise awareness of contract cheating.