

Copyright Infringement and File-Sharing Policy

Definitions

Copyright is the exclusive legal right, given to an originator or an assignee under Section 106 of the Copyright Act (Title 17 of the United States Code), to print, publish, perform, film, or record literary, artistic, or musical material, and to authorize others to do the same. There is a general understanding that printed works such as books and magazine articles are covered by copyright laws; however, copyright protection extends to software, digital works, and unpublished works and it covers all forms of a work, including its digital transmission and subsequent use. **Copyright infringement** is the use of works protected by copyright law without permission, infringing certain exclusive rights granted to the copyright holder, such as the right to reproduce, distribute, display or perform the protected work, or to make derivative works. The copyright holder is typically the work's creator, or a publisher or other business to whom copyright has been assigned.

Current Law Regarding Digital Copyright

Passed in 1998 by a unanimous vote in the U.S. Senate and signed into law by President Bill Clinton on October 28, 1998, the Digital Millennium Copyright Act (DMCA) amended Title 17 of the United States Code to extend the reach of copyright, while limiting the liability of the providers of online services for copyright infringement by their users. The DMCA implements two 1996 treaties of the World Intellectual Property Organization (WIPO) and criminalizes production and dissemination of technology, devices, or services intended to circumvent measures that control access to copyrighted works. It also criminalizes the act of circumventing an access control, whether or not there is actual infringement of copyright itself. In addition, the DMCA heightens the penalties for copyright infringement on the Internet.

Examples of Copyright Infringement Activities Which May Occur in a College Setting

- Placing an electronic copy of a standardized test on a website without permission of the copyrightowner
- Downloading and sharing MP3 files of music, videos, and games without permission of the copyright owner
- Enhancing a college or departmental website with music that is downloaded or artwork that is scanned from a book, all without attribution or permission of the copyright owners
- Using corporate or school logos without permission
- Scanning a photograph that has been published and using it without permission or attribution
- Downloading licensed software from non-authorized sites without the permission of the copyright or license holder
- Placing a number of full-text articles on a web page that is not password protected and allowing the web page to be accessible to anyone who can access the Internet
- Making a movie file or a large portion of a movie available on a website without permission of the copyright owner

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College Policy

Provo College prohibits violations of copyright, license restrictions, and authorial integrity. Distributing or receiving materials protected by copyright without permission of the copyright owner may be in violation of federal or state law and/or College policy. Violations may be grounds for sanctions or terminations and may be subject to civil or criminal penalties. Civil remedies can include an award of monetary damages (substantial statutory damages per work infringed, or actual damages and of equipment used to produce the copies).

Computer use by students in classrooms and labs is strictly for educational purposes. The sharing of copyrighted works is prohibited over Provo College's network through the use of email, web pages, and peer-to-peer file sharing software. The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject students to disciplinary action as well as civil and criminal liabilities. This policy applies to computers owned by Provo College as well as personal computers which may be using the Provo College's network or working with Provo documents.

It is the responsibility of those reproducing materials to ensure the reproduction is consistent with U.S. Copyright law. Provo College reserves the right to suspend or terminate network access to any user who violates this policy, and network access may be suspended if any use is impacting the network's operations. Violations may be reported to appropriate authorities for criminal or civil prosecution.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, at its discretion, also assess attorneys' fees and/or other costs. For details, refer to Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five (5) years and fines of up to \$250,000 per offense. For more information, please see the website of the U.S. Copyright Office at www.copyright.gov.

Legal Sources of Online Content

Please visit www.educause.edu for legal sources of online content and legal alternatives for downloading.

Reporting Acts of Copyright Infringement

Faculty, staff and students can report alleged copyright infringements on Provo College systems to members of Campus management, the Corporate Legal and Compliance departments, and/or through the Company's ethics hotline at www.unitek.ethicspoint.com or at 844-203-4233.