

Copyright Infringement and Peer-to-Peer File Sharing Disclosure

IEC does not allow or condone the use of IEC resources for the unauthorized distribution of copyrighted material, including peer-to-peer file (P2P) file sharing. Engaging in such activity may result in disciplinary action. Such activity may also subject faculty, staff and students to civil and criminal activities.

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

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Consequences of Illegal P2P File Sharing

Faculty and staff who violate this policy may be subject to discipline in accordance with Human Resources policies and procedures. Students who violate the policy may be subject to discipline pursuant to the Student Code of Conduct. Additionally, IEC may report violations to appropriate authorities for investigation and prosecution.

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 \$750.00 and not more than \$30,000.00 per work infringed. For "willful" infringement, a court may award up to \$150,000.00 per work infringed. A court can, in its discretion, also assess costs and attorney's fees. For details, see Title 17, United States Code, Section 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five (5) years and fines of up to \$250,000.00 per offense. For more information, please see the website of the U.S. Copyright Office at www.copyright.gov.

Alternatives to Illegal Downloading

There are many alternatives to the unauthorized distribution of copyrighted material. For a list of legitimate online services that are approved by the AAP, MPAA, and RIAA please see the EDUCAUSE list available at <http://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/issues-and-positions/intellectual-property/legal-sources-onli>

Many sites claim to be legal when they are not. A list of sites that appear legal but in fact are not may be accessed using the following link to the Center for Democracy and Technology website:

<https://cdt.org/insight/music-download-warning-list-1/>