

## Copyright Infringement / Peer-to-Peer File Sharing Policy

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 (peer-to-peer), downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

There are risks involved with Peer-to-Peer file sharing. Peer-to-Peer file sharing often distributes copyrighted works without the permission of the owner. Such use is illegal and subjects each user to personal liability even if the user is unaware that it was violating the law. The Peer-to-Peer software may go around a computer's operating system making the computer subject to viruses and hacking which puts personal and private data at risk. Peer-to-Peer applications can use up a considerable bandwidth causing network activities being compromised due to the Peer-to-Peer activities.

There are alternatives to illegal downloading. There are legal alternatives for downloading movies and music or otherwise acquiring copyrighted material. Movies and music in the Public Domain (that means all copyrights have expired) may be downloaded. Or you may pay for a download through Amazon or other authorized vendor. However, you must be cautioned that sites often claim to be legal when they are not legal sites. You may determine whether or not a site is legal by going to this link: <http://www.cdt.org/copyright/warninglist/>

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. A court can, in its discretion, also assess costs and attorney's fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines up to \$250,000 per offense.

The DAVE School faculty and staff who violate copyright infringement and Peer-to-Peer file sharing policies will be disciplined in accordance with Human Resource policies. Students who violate the policies are subject to discipline as stated in the Student Code of Conduct in the DAVE School Catalog. The DAVE School may also report violations to appropriate authorities for criminal or civil investigations.

For more information, please see the Web site of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov) and especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq)