

Copyright Infringement / Peer-to-Peer File Sharing Policy

La traducción al español de esta política está disponible según sea solicitada. Las solicitudes deben hacerse al Director Ejecutivo de su recinto.

This notification is provided by Florida Technical College and The Digital Animation & Visual Effects School, which are academic units of National University College. Florida Technical College and The Digital Animation & Visual Effects School are collectively referred to as the "Institution" in this document.

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.

Many risks are 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 they were violating the law. Also, 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 to be compromised due to the peer-to-peer activities.

There are several alternatives to illegal downloading. Legal alternatives for downloading or otherwise acquiring copyrighted material include paying an authorized vendor or using free online repositories. There are also creative materials to which no copyright laws apply (whether because the property rights have expired or because they have been expressly waived) such as movies, music, or other works in the public domain or with a Creative Commons license. However, it is important to be cautious, since there are sites that often claim to be legal when they are not. The following page from the Library of Congress website provides basic information regarding copyright and fair use, and links to sites with additional information: <http://www.loc.gov/teachers/usingprimarysources/copyright.html>. Likewise, this page from the Library of Congress website includes a short video that explains the basics of U.S. Copyright Law to teens, along with the history of copyright laws and a list of frequently asked questions: <http://www.loc.gov/teachers/copyrightmystery/text/reading/>.

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, 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.

Institution 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 Institution Catalog. The Institution may also report violations to appropriate authorities for criminal or civil investigations.

For more information, please see the website of the U.S. Copyright Office at www.copyright.gov and their Frequently Asked Questions about Copyright at www.copyright.gov/help/faq.