

Name of Policy: Copyright Infringement
Source: Campus Technology
Date Revised: July 2015, reviewed August 2016
Form to Complete: N/A

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, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

The unauthorized distribution of copyrighted materials may subject an individual to civil and criminal penalties. As a general matter, a person who is found liable for civil copyright infringement may be ordered to pay actual damages or “statutory” damages in an amount of not less than \$750 and not more than \$30,000 per work infringed. For a “willful” infringement, damages may be awarded by a court up to \$150,000 per work infringed. Courts can also assess costs and attorneys’ fees, in its discretion. *See* 17 U.S.C. §§ 504 and 505. Also, “willful” copyright infringement can result in imprisonment of up to five years for a first time offense and additional fines. *See* 17 U.S.C. § 506 and 18 U.S.C. § 2319.

Peer-to-Peer File Sharing

It is a violation of copyright law to use file sharing software (e.g., BitTorrent, KaZaA, Limewire, etc.) to download music, movies, and other copyrighted material without permission from the copyright holder.

All network traffic is subject to monitoring procedures conducted by the Office of Campus Technology for purposes of determining compliance with college policies. Outside parties also actively monitor the internet to find incidents of illegal file sharing and may notify KCAI of such activity. When such a notification is provided by an outside source, KCAI may disable a person’s network access until the situation is resolved.

If a campus community member is found to have illegally shared files over the KCAI network, the full range of disciplinary sanctions are available (along with the civil and criminal penalties the person may be subject to), including:

- Indefinite or permanent loss of computer privileges and network access;
- Denial of future access to Campus Technology resources;
- All disciplinary sanctions available pursuant to the Student Handbook;
- Dismissal from the college; and/or
- Legal action.

Alternatives to illegal downloading include, but are not limited to, iTunes, Amazon, Netflix, and Hulu.