

Copyright Infringement and Illegal File Sharing

Our mission in the Office of Information Technology at St. George's University ("SGU") is to provide our faculty, staff and students with a safe and powerful computing environment. We encourage all of our users to make full use of the Internet and to exercise individual rights and academic freedoms. At the same time, we cannot permit our computer resources to be used for illegal purposes. It is our intention to strictly enforce University policy and we will obey and comply with all government laws and regulations.

COPYRIGHT INFRINGEMENT

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 the permission of the copyright holder constitutes infringement.

Subject to exceptions contained in 17 U.S.C. §§ 107 and 108 (<http://www.copyright.gov/title17/92chap1.html>), the copying, distribution or sharing of copyrighted works (including music, videos, movies, games and digital copies of textbooks or other written works) without permission constitutes copyright infringement. In the electronic context this infringement may take place through peer-to-peer file sharing.

PENALTIES FOR COPYRIGHT INFRINGEMENT

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 attorneys' 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 of up to \$250,000 per offense.

WHAT IS PEER TO PEER ("P2P") FILE SHARING?

P2P file sharing is a way of transferring files between individual computers via the Internet. It has come to be the method of choice for illegally distributing copyrighted works like music, movies and software.

POLICY STATEMENT

It is the policy of SGU that the university's network connections may not be used to violate copyright laws. The use of SGU's computer network to download or share copyrighted materials including, but not limited to, music, movies, software and games is strictly prohibited for the following reasons:

1. **It is illegal.** Both the U.S. Copyright Act, and the Digital Millennium Copyright Act of 1998, prohibit the distribution or sharing of copyrighted works without the copyright owner's permission.
2. **It is dangerous.** P2P software that is used for file sharing may bypass your computer operating system's security and open your entire computer, along with your personal information, to anyone on the Internet. Programs such as uTorrent, Azureus, Kazaa, BearShare, Limewire, eMule and others may affect your computer's performance and can cause system crashes or loss of your data.
3. **It degrades network performance.** Because it is the nature of these programs to share your files with as many computers as possible, the resulting volume of network traffic can slow down or disable our entire network.
4. **Finally, it is just wrong.** Artists, writers, musicians, and other creators of intellectual property rely upon copyright to protect their works. Without copyright, there would be no way to protect their income and there would be no incentive to make their works available to us through books, CDs, DVDs, Blu-Ray Discs, etc. When you violate copyright by downloading and sharing these works, you are stealing from the proper and legal owner.

SGU puts a lot of effort into building and maintaining its computer network. These resources exist to support a wide variety of instructional, educational, and administrative activities. As a member of this community you must follow the official policies that govern computer and network usage. The *SGU Computer, Network, and Information Systems Access, Control, Use, and Security Policy* clearly prohibit the use of the University's computer resources to violate copyright law.

SGU SAFEGUARDS

SGU exercises substantial effort to discourage peer to peer file sharing activities. Some of the actions that SGU takes include:

- implementing filters to block the illegal sharing of files across or from our network,
- using network tools to detect this activity and to identify violators, and

- installing aggressive antispyware and antivirus systems to improve network efficiency and to provide a safe computing environment.

POSSIBLE LEGAL CONSEQUENCES OF P2P FILE SHARING

SGU is sure that you are aware that the music and motion picture industries are taking these offenses very seriously. Hundreds of students who shared files containing copyrighted materials have been the targets of expensive lawsuits for copyright infringement. You may not be aware that as providers of your Internet service, St. George's University is required to divulge your name and address to the authorities if a complaint is received about your illegal file-sharing activities. To be clear, SGU will obey all laws and will honor all legitimate warrants, subpoenas, and court orders served upon SGU relating to any alleged copyright violations.

SGU ZERO TOLERANCE POLICY AND SANCTIONS

SGU has a comprehensive plan to enforce a policy of zero tolerance for violators. ***If you are illegally downloading or sharing copyrighted material across SGU's network or with others via SGU's Internet connection, we urge you to immediately remove these materials and file-sharing software from your computer.***

If your computer is detected engaging in illegal file sharing or if an allegation of copyright infringement on your part is received by the University, your connection to the SGU network will be immediately terminated. Before your connection can be restored, you will be required to read and sign an agreement stating that you have removed the offending files and software from your computer, and that you will no longer engage in the illegal downloading and sharing of copyrighted material.

Repeat offenders may be permanently removed from the network and referred to the Dean of Students Office for disciplinary action including the possibility of expulsion if flagrant illegal activities are identified. If appropriate, violators may also be reported to the police or other government officials for criminal or civil prosecution.

LEGAL ALTERNATIVES TO DOWNLOADING

To combat illegal downloading of copyrighted material, SGU provides information to its community regarding legal sources for music, videos, games, movies, books and other copyrighted material.

For an up to date and comprehensive list of legal sources of music, videos, books and other copyrighted material, see the Educause website at www.educause.edu/legalcontent.