

Copyright, File Sharing, and Infringement

The University is required by federal law to inform the University community that illegal distribution of copyrighted materials, including unauthorized peer-to-peer file sharing, may lead to civil and/or criminal penalties. The law also requires that the college take steps to prevent, detect, and punish users who illegally distribute copyrighted materials.

Deterrents

Widener University has implemented technology designed to mitigate illegal Peer to Peer (P2P) activity. This technology is designed to:

- Allow legal P2P traffic.
- Limit all P2P bandwidth to preserve network usage for business and educational use.
- Detect, monitor and block illegal P2P traffic
- Notify internal departments regarding suspicious and malicious use of University resources

DMCA Notices and Exposure

Part of the design of sharing files on the internet means that they are available for anyone to notice that they are being shared. Since they are so visible, copyright holders maintain watchdogs on the Internet looking for their protected content. As a result, organizations like universities often receive *DMCA Notices* from representatives of the content producers. The Digital Millennium Copyright Act is federal law that was effective in 1998. DMCA notices received by the University will be researched, and matched with the individual responsible for the abuse.

Students:

- Student's network access is suspended and students are required to bring their devices to ITS for inspection.
- Students are required to sign a notice acknowledging the P2P on their device.
- Security investigation is performed and documentation is provided to Student Affairs for determination.

Faculty, Staff and other University employees:

- Network access is suspended and the device is inspected by ITS.
- Employee is required to sign a notice acknowledging the P2P on their device.
- Security investigation is performed and documentation is provided to Human Resources for determination.

For all Guest/Temporary access:

- The access to the wireless network is revoked and permanently banned if the University receives just one DMCA notice linked to the account, or on any other offense of this policy.

(From the Federal Student Aid Handbook, August 2015)

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. 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. For more information, please see the website of the U.S. Copyright Office at www.copyright.gov.

Any faculty, staff, or student found to have violated this policy may be subject to disciplinary action, up to and including suspension, expulsion, and/or termination of employment in accordance with procedures defined by Human Resources or Student Affairs, respectively.

Legal Sources of Online Content

EDUCAUSE has a website with many options for free, inexpensive, and legally available content:

<http://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/issues-and-positions/intellectual-property/legal-sources-onli>

For more information, see Widener University’s *Peer to Peer Policy* (under revision)