

Peer to Peer Sharing and Illegal Downloading

File sharing is the practice of distributing or providing access to digitally stored information, such as computer programs, multi-media (audio and video), documents, or electronic books. Illegal file sharing is the sharing of copyright protected files without authorization. Under copyright law, it is illegal to download or share copyrighted materials such as music or movies without the permission of the copyright owner.

Northeast maintains a campus network to support and enhance the academic and administrative needs of our students, faculty, staff and community. The college is required by federal law to inform students that illegal distribution of copyrighted materials may lead to civil and/or criminal penalties. The law also requires that the college take steps to detect and punish users who illegally distribute copyrighted materials.

Peer to Peer (P2P) technologies have many genuine uses and Northeast does not ban P2P programs from its network. It is however, a violation of copyright law to use P2P technology for copying commercial music and/or video files without the copyright holder's permission.

NACC utilizes technology based deterrents to effectively combat unauthorized downloading/distribution. The college internet provider is through the Alabama Supercomputer Authority (ASA), which monitors bandwidth traffic and accepts and responds to Digital Millennium Copyright Act (DMCA) notices. When illegal downloading is detected, DMCA notifies ASA, which in turn notifies the college immediately. IT personnel at the college track down the offenders.

For more information on "fair use" and copyright laws please go to: <http://www.copyright.gov/title17/>

Some music, movies and television shows can be legally obtained through online subscription services or from sites officially permitted by the copyright holders to offer certain downloads. Use the following sites as alternatives to illegal downloading: <http://www.educause.edu/legalcontent>

The college reserves the right to suspend or terminate network access to any campus user if the violation is deemed severe or the use is impacting the operation of the network. NACC must report any violations to appropriate authorities for criminal or civil prosecution. In addition, violators may be referred to the college discipline committee, which may impact college enrollment.

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 Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.