

Policy #:	Title:	Effective Date:
GEN-015	Peer to Peer Copyright Infringement Prevention Policy	05/15/2009

Policy Description— Per the University of Findlay’s (UF) Acceptable Use Policy, UFNet account holders must comply with U.S. and Ohio law pertaining to copyright. Copyright infringement through the illegal downloading or sharing of copyrighted materials, including music, games, and videos is expressly prohibited on The University of Findlay’s network. This protection includes illegal file sharing through Peer-to-Peer (P2P) applications. Enforcement of this policy will follow the guidelines established within the Enforcement and Sanctions section of UF’s Acceptable Use Policy.

Definitions—

Peer-to-Peer applications— Electronic file sharing applications.

Copyright Infringement— A violation of the rights secured by a copyright.

Rationale for Policy—

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.

"Peer-to-peer" software used for file sharing may bypass a computer's operating system security and open access to all files—including personal information—to anyone on the Internet. Electronic file sharing programs may affect a computer's performance and cause system crashes or loss of data.

Peer-to-peer software degrades network performance. Because these programs are designed to share files with as many computers as possible the volume of network traffic generated by them can slow down or disable an entire network.

The violation of copyright is illegal and unethical. 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 no incentive to make their works available to the public through books, music CDs, videos, etc. When copyrights are violated, those creating new works are deprived of income.

Copyright Penalties –

Students, faculty and staff do need to realize that civil and criminal penalties for the violation of federal copyright laws are very serious. 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 <http://www.copyright.gov/help/faq> and <http://copyright.gov/title17/92chap5.html> Also, there are a number of legal alternatives that allow legal access to copyrighted materials. A useful, comprehensive list can be found at <http://www.educause.edu/legalcontent>

Responsible Department/Person— Information Technology Services/VP of Information Technology Services

Reference/Related Information—

Who should be notified about this policy— All UFnet account holders

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