

# ELECTRONIC COPYRIGHT INFRINGEMENT POLICY and PROCEDURES

## Safe Computing at Capital University

### **What is Copyright Infringement?**

Copyright infringement occurs when works that fall under the copyright protection law are used in whole or in part without the copy-right holder's permission (*with the exclusion of fair use*). A copyright owner holds exclusive rights and is the only one who can give per- mission for others to use or distribute their work. Examples of copy- right infringement include the following:

### **Posting/Downloading/Uploading:**

Music or musical compositions	Movies
Books	Artistic works
Trademarks	Commercial names
Copying/distributing copyrighted materials	Posting copyrighted text/images to a website

### **So, What Does this Mean at Capital?**

Using peer-to-peer file sharing programs such as LimeWire, Frost- Wire or other Bit Torrent programs make it easy for you to violate university policies and federal laws including copyright infringement.

### **Intellectual Property**

Intellectual property rights protect the interests of creators. Intellectual property is usually divided into two categories:

- Industrial property such as inventions, trademarks and commercial names; and
- Copyright such as books, musical compositions, movies and artistic works

*The Recording Industry Association of America (RIAA) and the Motion Picture of America Association (MPAA) are using the legal tools provided by the U. S. Digital Millennium Copyright Act (DMCA) of 1998 to track down and legally confront those who commit copyright infringement.*

### **Copyright Infringement**

Copyright infringement occurs when intellectual property is used without authorization from the owner. Downloading, uploading or sharing copyrighted material without permission is illegal. The most common offenses include downloading movies from an unauthorized source and sharing music peer-to- peer (P2P). These actions are considered a form of theft of the copyrighted work of a director, producer or artist.

Peer-to-Peer (P2P) file sharing has become an issue for campus communities. Peer to peer programs (ex: uTorrent, qBittorrent) are generally used to find and download various media files such as music MP3s, movies, and images. What many users do not know is that most of these programs also set themselves up as servers when they are installed and the program runs silently in the background. The programs download files into a "Shared" folder (the user can define a different folder to download into) on your computer. Anything in this folder, is subsequently shared to others who are using similar programs on the Internet.

Representatives of copyrighted materials often use available peer-to-peer programs such as Kazaa, Morpheus, LimeWire, Bit torrent, Bear share, and others, to find illegal peer-to-peer files. These programs provide the IP address of the machine from employee, or student, computers with the illegally downloaded files. These companies have no special access and they are not violating anyone's rights to privacy as they own the copyright. Thus, it is the employee's and student's responsibility to know what programs are being install on personal computers at all times.

Capital University is legally required by the Higher Education Opportunity Act to take action against such activities when we receive a notice of violation for electronic copyright infringement.

### **Notification Process for Copyright Infringement**

Capital University will receive a formal notice of copyright infringement from a copyright owner or person representing the owner. The notice will state the specific claim and/or identify the information residing on the Capital University computer systems or network.

The Department of Information Technology will retrieve the illegally downloaded information and send a formal written "*Notice of Alleged Copyright Infringement*" with detailed evidentiary information to the account holder. The account holder's network access will be temporarily suspended pending the outcome of an investigation.

## **Removal of Copyright Information**

The university reserves the right to remove or block access to any copyrighted materials, and/or temporarily disable access to the campus network pending the outcome of an investigation of an alleged copyright infringement violation. Capital University will inform the account holder of any action taken to maintain compliance with federal and state copyright infringement laws.

## **Notification to Copyright Owner**

The university designated agent will draft a summary response to the copyright owner indicating the outcome of the investigation as appropriate. All removed materials and/or disabled network access will be restored to the account holder within 10 business days of the case outcome.

## **Legal Consequences for Continued Violations**

Violations of the copyright infringement laws may result in a formal criminal charge for a violation of law, formal court case proceedings, and fines up to \$150,000 per work/property misappropriated.

## **Report Copyright Infringement**

All members of our community are expected to exemplify honesty, respect for truth, and congruence with university values and behavior expectations in all exchanges and interactions. Employees and students may confidentially report an electronic copyright infringement violation via [copyright@capital.edu](mailto:copyright@capital.edu) or via Ethics Point located on the Capital University Web site via ONLINE SERVICES. Ethics Point provides a simple, anonymous way for employees and students to report improper and illegal conduct.

Using file sharing programs puts you at a great risk of becoming an unlawful distributor of copyrighted material which is **illegal**. These programs by default, allow internet users to copy files directly from your computer without alerting or asking for your permission. You should be aware that there are hidden components that allow file sharing programs to run in the background, therefore, when your computer is turned on, the file sharing program is enabled.

Capital University does not condone this behavior and is legally required by the Higher Education Opportunity Act (HEOA) to take action against such activities when notices of copyright infringement are submitted to the university.

## **Downloading Music, Film and TV Legally:**

To protect yourself from being sued, violating copyright protection laws or university policies, you are strongly advised to seek **legal** online sources for downloading digital files such as:

iTunes: <http://www.apple.com/itunes>

MusicUnited.org: <http://www.musicunited.org>

Pandora: <http://www.pandora.com>

Hulu.com: <http://hulu.com>

## **Academic Integrity and Plagiarism:**

When using copyrighted content for academic, research, or other institutional purposes, you should abide by the allowances of the fair use provisions of the copyright law. The most common form of academic misuse of copyrighted material is referred to as plagiarism. Plagiarism occurs when using copyrighted material in papers and presentations without referencing (or citing) the source of the

material.