

File Sharing & Copyright Policy

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Copyright law, an area of intellectual property law, exists to balance the property interests of authors and their creative and intellectual works and the rights of the public. The law allows authors to control the use and distribution of their works and to determine how others may or may not capitalize on their intellectual property. This area of the law also defines fair use doctrine and the rights of the general public and academic community.

Marymount University policy requires that all students, faculty, and staff comply with all federal, state, and local laws. While peer-to-peer services and protocols such as BitTorrent are legal technologies, many of the files shared through these technologies are copyrighted.

The use of these or any other services for the purpose of the unauthorized distribution of copyrighted materials is a violation of federal copyright law and the Marymount University Student Community Conduct Code, specifically policy section 5, B, a) Integrity, 7. Violating the Marymount Computer Policy. The Recording Industry Association of America, Motion Picture Association of America, Entertainment Software Association and other organizations that represent the intellectual property rights of copyright holders closely monitor the use of peer-to-peer networks for violations of copyright laws. These organizations provide notification to the university of any such violations involving the Marymount University network.

Sanctions issued by Marymount University are based upon the severity of the infraction and may include but are not limited to warnings, educational sanctions, disciplinary probation, loss of housing, and in the most severe cases suspension or expulsion. When Marymount University receives a complaint alleging that a student is in violation of copyright law, Marymount University will suspend that student's network privileges until the case can be adjudicated. Violations of copyright law can result in criminal and civil penalties in addition to sanctions imposed by Marymount University.

Marymount University expects that all students, faculty, and staff using peer-to-peer file sharing services be fully knowledgeable of the materials they are receiving and distributing on the Marymount University network. If you have additional questions about Marymount University policies, please contact IT or the Office of Campus and Residential Services. The complete Marymount University copyright policy may be found under Academic Matters at www.marymount.edu/students.

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).

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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.

Copyright infringement can result in 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, at 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, especially their FAQs at www.copyright.gov/help/faq.

Legal Alternatives to the Unauthorized Distribution of Copyrighted Materials

For a more detailed list, please utilize the Educause list of legal content located at www.educause.edu/legalcontent.

Pay per Song/Movie/Game Websites:

iTunes – www.itunes.com Amazon – www.amazon.com Google Play – play.google.com Steam – store.steampowered.com

Subscription Services:

Apple Music – www.apple.com/music Amazon Prime Music & Video – www.amazon.com Hulu – www.hulu.com Netflix – www.netflix.com

Free Services:

Pandora – www.pandora.com Spotify – www.spotify.com Hulu – www.hulu.com