

**Everglades University**  
**Copyright Infringement and Peer-to-Peer File Sharing Policy**  
**Copyright Law**

Copyright is a form of legal protection provided by U.S. law, Title 17 U.S.C. §512(c) (2), that protects an owner's right to control the reproduction, distribution, performance, display and transmission of a copyrighted work. The public, in turn, is provided with specific rights for fair use of copyrighted works.

Copyrighted works protect original works of authorship and include:

- Books, articles and other writings
- Songs and other musical works
- Movies and television productions
- Pictures, graphics and drawings
- Computer software
- Pantomimes and choreographic works
- Sculptural and architectural works

Specific information on copyright law and fair use may be found at the U.S. Copyright Office: [www.copyright.gov](http://www.copyright.gov)

**Copyright Infringement**

The copyright law provides the owner of a copyright the exclusive right to the following:

- Reproduce the work in copies
- Prepare derivative works based upon the work
- Distribute copies of the work to the public by sale or other transfer of ownership, or by rental, lease or lending
- Perform the work publicly
- Display the copyrighted work publicly
- Perform the work publicly by means of a digital audio transmission in the case of sound recordings

The copyright law states, "anyone who violates any of the exclusive rights of the copyright owner is an infringer of the copyright or right of the author."

Generally, under the law, one who engages in any of these activities without obtaining the copyright owner's permission may be liable for infringement.

**Peer-to-Peer File Sharing**

Peer-to-Peer (P2P) file sharing is a general term that describes software programs that allow computer users, utilizing the same P2P software, to connect with each other and directly access digital files from one another's hard drives. Many copyrighted works may be stored in digital form, such as software, movies, videos, photographs, etc. Through P2P file sharing it has become increasingly easy to store and transfer these copyrighted works to others thus increasing the risk that users of P2P software and file-sharing technology will infringe the copyright protections of content owners.

If P2P file-sharing applications are installed on a student's computer, the student may be sharing someone else's copyrighted materials without realizing they are doing so. As a user of the University network, recognizing the legal requirements of the files that a

student may be sharing with others is important. A student should be careful not to download and share copyrighted works with others. The transfer and distribution of these works without authorization of the copyright holder is illegal and prohibited.

### **Violations and Penalties under Federal Law**

In addition to University sanctions under its policies as more fully described below, 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 be 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.

### **University Plans to Effectively Combat Unauthorized Distribution of Copyrighted Material**

#### **Student Sanctions**

Everglades University may monitor traffic or bandwidth on the networks utilizing information technology programs designed to detect and identify indicators of illegal P2P file-sharing activity. In addition to, or as an alternative, the University may employ other technical means to reduce or block illegal file sharing and other impermissible activities. Everglades University will also provide for vigorous enforcement and remediation activities for those students identified through the University Digital Millennium Copyright Act policy as potential violators or infringers of copyright. Disciplinary sanctions will be based on the seriousness of the situation and may include remediation based on a comprehensive system of graduated responses designed to curb illegal file sharing and copyright offenses through limiting and denial of network access or other appropriate means. These sanctions may be in conjunction with additional sanctions through the Everglades University Student Code of Conduct, its Acceptable Use Policy and any other University policy applicable to the particular situation.