

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 website of the U.S. Copyright Office at www.copyright.gov, especially their FAQ’s at www.copyright.gov/help/faq. University Policies to Combat Unauthorized

Distribution of Copyrighted Material

The University utilizes the following to combat and deter illegal distribution of copyrighted material to protect the institutions network.

- Policies are distributed to all Faculty Members
- Students are provided with information on the University’s network policy through the Everglades University print and online catalog.
- The University’s IT Department monitors bandwidth usage and potential breaches to the Digital Millennium Copyright Act (DMCA).
- Students and/or faculty found in breach of the University Network and Copyright Policy would be in breach of the University Code of Conduct and disciplinary action may be taken.
- Those found in violation have the right to file a grievance for any action taken against them (Please refer to the Student Disciplinary/Complaint/Grievance Procedures section of the catalog, pages 118-126) The University’s Policy on unauthorized distribution of copyrighted material and network usage policy is reviewed annually by the Office of the President.