

Copyright, Intellectual Property, and Illegal File-Sharing

Rogue Community College ("RCC", "the College") provides numerous information technology resources (I/T resources) to support its educational mission, including desktop computing, e-mail, and both wireless and cable Internet access. The use of these resources must comply with United States copyright laws. Any person who downloads, reproduces, or distributes copyrighted material (including music, video, software, graphics, and text) without authorization of the copyright holder may be prosecuted and held liable for copyright infringement. Illegally downloading and/or distributing copyrighted materials is a form of copyright infringement, and places the offender at a high risk of criminal prosecution under state and federal statutes.

Please understand these important points:

- The Recording Industry Association of America (RIAA) and Motion Picture Association of America (MPAA) routinely monitor peer-to-peer file sharing sites, and may request information from colleges and universities about the identities of users engaged in illegal file-sharing.
- RCC will comply with requests for identifying information of users suspected of illegal file-sharing.
- RCC will not accept financial or legal liability for criminal acts committed using College I/T resources, nor will RCC provide legal counsel, defense, or representation for users suspected or charged with illegal file-sharing.
- Any student engaged in copyright infringement such as illegal file-sharing will be subject to immediate disciplinary action from the College, which may include immediate exclusion, disciplinary probation, suspension, expulsion, or other sanctions.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

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. Anyone found liable for civil copyright infringement may be ordered to pay "statutory" damages between \$750 and \$30,000 per work infringed. Again, the penalty for copyright infringement may cost between \$750 and \$30,000 **per work infringed**.

For "willful" infringement, a court may award up to \$150,000 per work infringed. 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.

A court can also assess costs and attorneys' fees.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

What to do?

It's important to understand that the problem is not in downloading or sharing files – the problem is downloading or sharing files without the authorization of the copyright holder.

Fortunately, there are many file-sharing resources available where the copyright holder has granted permission for downloading, sharing, or other use. Some of these resources are free, others may charge a fee. For a comprehensive list of legal alternatives for downloading, please Google [educause.edu "legal sources of online content"]