

COPYRIGHT INFRINGEMENT POLICY

Policy Statement

CBD College requires that all copyrighted materials be used in conformance with applicable copyright and other laws. Unauthorized downloading or distributing copyrighted materials (e.g., documents, books, programs, music, movies, television programs, videos, text, etc.), including peer-to-peer file sharing, may subject a student and/or staff network user to civil and criminal liabilities as well as institutional sanctions. Further, the copying of digital copyrighted materials, such as third-party software without the express written permission of the owner of the proper license, is illegal. CBD College's Wi-Fi network is configured to block the use of peer-to-peer file sharing programs that are used to share copyrighted materials. Students and staff are prohibited from using file-sharing on any CBD College provided network, including the Wi-Fi network.

Legal Alternatives to Illegal File Sharing

CBD College periodically reviews and provides access to the College's community to legal options, whether through downloads or streaming, free or fee-based, etc., for obtaining copyrighted content, including movies and music. EDUCAUSE (a community of IT leaders and professionals committed to advancing higher education) has identified an extensive list of legal entertainment alternatives, cataloged at [Legal Sources of Online Content](https://www.educause.edu/legalcontent). (<https://www.educause.edu/legalcontent>)

Institutional Disciplinary Sanctions

CBD College's network and/or information technology system users who engage in illegal downloading or unauthorized distribution of copyrighted materials risk losing network access; repeated violations will result in disciplinary action.

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 filesharing 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, 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.