

Copyright Infringement Policy

This document is intended to explain the policies and procedures Arkansas Tech University follows in response to notifications of alleged copyright infringements on the University network.

What is copyright?

Copyright is legal protection of intellectual property, in whatever medium, that is provided for by the laws of the United States to the owners of copyright. Types of works that are covered by copyright law include, but are not limited to, literary, dramatic, musical, artistic, pictorial, graphic, film and multi-media works. Many people understand that printed works such as books and magazine articles are covered by copyright laws but they are not aware that the protection extends to software, digital works, and unpublished works and it covers all forms of a work, including its digital transmission and subsequent use.

What is the current law concerning digital copyright?

The Digital Millennium Copyright Act (DMCA), signed into law in 1998, recognizes that digital transmission of works adds complexity to the Copyright Law. The DMCA provides non-profit educational institutions with some protections if individual members of the community violate the law. However, for Arkansas Tech University to maintain this protection, we must expeditiously take down or otherwise block access to infringing material whenever it is brought to our attention and whether or not the individual who is infringing has received notice.

DMCA infractions can result in serious consequences regarding activities of faculty, graduate students, or staff who are performing teaching or research functions if the university has received more than two notices of infringement against an individual within a three-year period.

Universities and individuals can be subject to the imposition of substantial damages for copyright infringement incidents relating to the use of University network services. In a civil action, the individual infringer may be liable for either actual damages or statutory damages of up to \$30,000 (which may be increased to

up to \$150,000 if the court finds the infringement was willful). In addition, individual infringers may be subject to criminal prosecution. Criminal penalties include up to ten years imprisonment depending on the nature of the violation.

In addition, the [Higher Education Opportunity Act \(HEOA\)](#) of 2008 requires all U.S. colleges and universities deal with unauthorized file sharing on campus networks, imposing three general requirements on:

- An annual disclosure to students describing copyright law and campus policies related to violating copyright law;
- A plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents"; and
- A plan to "offer alternatives to illegal downloading".

Why is this an important issue right now?

Copyright is an issue of particular seriousness because technology makes it easy to copy and transmit protected works over our networks. While Arkansas Tech University encourages the free flow of ideas and provides resources such as the network to support this activity, we do so in a manner consistent with all applicable state and federal laws. Tech does not condone the illegal or inappropriate use of material that is subject to copyright protection and covered by state and federal laws.

What kinds of activities violate federal law?

Following are some examples of copyright infringement that may be found in a university setting:

- Downloading and sharing MP3 files of music, videos, and games without permission of the copyright owner
- Using corporate logos without permission
- Placing an electronic copy of a standardized test on a department's web site without permission of the copyright owner

- Enhancing a departmental web site with music that is downloaded or artwork that is scanned from a book, all without attribution or permission of the copyright owners
- Scanning a photograph that has been published and using it without permission or attribution
- Placing a number of full-text articles on a course web page that is not password protected and allowing the web page to be accessible to anyone who can access the Internet
- Downloading licensed software from non-authorized sites without the permission of the copyright or license holder
- Making a movie file or a large segment of a movie available on a web site without permission of the copyright owner

What kind of software programs are used for illegal file sharing?

Peer-to-peer (P2P) file sharing protocols are often used for illegal file sharing. They allow users to access media files on other end-user computers connected to a P2P network through the Internet. Users are connected to the P2P network through download software, such as BitTorrent. Common BitTorrent clients include BitTorrent, uTorrent, Transmission, Vuze, BitComet, LimeWire, Ares, ruTorrent, and Deluge.

Specifically, is sharing and downloading mp3 files (or other types of music files) and videos illegal?

It is true that some copyright holders give official permission to download MP3 files and you might be able to find a limited number of videos that are not copyright protected. It is also true that some MP3 files are copyright free and some MP3 files can be legally obtained through subscription services. However, most MP3 and video files that are shared do not fall into any of these categories.

US Copyright Law allows you to create MP3s only for the songs to which you already have rights; that usually means you purchased the CD or downloaded a file via a subscription service. US Copyright Law allows you to make a copy of a purchased file only for your personal use. Personal use does not mean that you can give a copy to other people, or sell a copy of it.

What happens if I get caught violating the Digital Millennium Copyright Act at Tech?

Arkansas Tech University recognizes that downloading and sharing copyrighted material online without permission is both illegal and unethical. In compliance with the DMCA, Arkansas Tech will address and resolve any cases of copyright infringement brought to our attention via the procedures listed in the DMCA Violation Policy listed in Article III, Section D of the Student Code of Conduct, which can be found in the Arkansas Tech University Student Handbook.

If found responsible for violating the policy, a student may receive sanctions including but not limited to:

- a. 1st Offense: Loss of internet access from Arkansas Tech University for a minimum of 10 weeks or until the end of the semester (whichever is longer); educational sanctions; \$75 monetary fine.
- b. 2nd Offense: Loss of scholarship eligibility; loss of student employment eligibility; loss of internet access from Arkansas Tech University for the remainder of the semester.
- c. 3rd Offense: University suspension for 1 full semester.

Think about what you're doing. If you are somehow getting the latest song, movie, or TV show for free, it's probably illegal.