

Copyright Infringement Policy

Category: Security
Responsible Office: IT Administration
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Background

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 La Sierra 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.

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".

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.

Policy

POLICY STATEMENT

Downloading or distributing any unauthorized version of a piece of copyrighted material is not allowed. Any faculty, staff, or student discovered downloading or distributing such material shall be referred to the appropriate body for disciplinary action. For students, this process is outlined in the Student Handbook under the heading Disciplinary Sanctions on page 40.

APPLICABILITY

The is a campus-wide policy

RESPONSIBILITY

Student Life and Information Technology

PROCEDURE

Copyright holders represented by organizations such as the Recording Industry Association of America, the Business Software Association, and the Motion Picture Association of America are applying serious efforts to stop the infringing downloads of copyrighted music, movies, and software. The companies or their agents locate possible copyright infringements by using automated systems.

La Sierra University's network has a range of IP addresses and all computers connected to that network have an IP address. When we get a violation notice, La Sierra University locates the IP address and whenever possible, the user of that address. At that point, La Sierra is required to act on the notification.

COMBATE UNAUTHORIZED DISTRIBUTION

La Sierra University employs a number of automated systems to aid in blocking peer-to-peer file sharing, both onto and off-of the campus.

LEGAL ALTERNATIVES TO ILLEGAL DOWNLOADING

It can be hard to find music that you can get into and even harder to buy it on a college budget. Don't let this force you to illegally download music! Here are some 100% FREE alternatives to illegally downloading your music.

Groove Shark offers you the chance to create your own online music library! Signing up takes less time than checking your email and once you are in, Groove Shark's entire online music database is right at your fingertips. Search for your favorite artists, songs and bands, save your playlists and you have your very own online music archive accessible from any computer with internet access!

Pandora is an online mp3 radio source. It offers you a way to find new music that suits your taste. Simply enter any band, artist or song that you like into Pandora's search engine and it will setup a station featuring what you requested, as well as music that fits your parameters.

Slacker is not as sleek as Pandora, Slacker offers the same service. If you are looking for something new to groove to, Slacker should not be overlooked as a way to get you there.

Shoutcast is an online radio service that allows you to browse over 700 pages of online stations that are just waiting for you to tune in! You can find just about any genre of music on Shoutcast and can listen to it commercial free. Go now and just click the "tune in" button to start listening!

LastFM is a service that allows you to just listen to your music with your computer's music player - as you do every day - and Last.fm will "scrobble" your playlists. Your tastes, insights and preferences help fuel a worldwide social musical revolution. And it's all free! Give it a shot!

Qtrax is an advertiser-supported free and legal P2P music download service based in New York. The service is 100% advertising supported and there are no registration fees or download fees. Qtrax currently has over 800,000 songs which can be downloaded and played as often as the consumer wants as long as they are connected to the internet.

Meem is the world's leading social music service, enabling music fans to discover, interact and express themselves with music and playlists, and connect with other people based on shared tastes and interests.

Music Services with a Price

There are many sources for downloading music at a price per track! By using these services, you have access to more features and are able to do more with the media that you choose to download since you own the music. Here are some of the most popular sites where you can purchase music by the track:

- iTunes
- EMUSIC
- Mp3.com
- Amazon.com

References and Additional Information

- La Sierra University's Copyright Fair Use Guidelines: <http://lasierra.edu/copyright>
- "Reproduction of Copyrighted Works by Educators and Librarians," U.S. Copyright Office: <http://www.copyright.gov/circs/circ21.pdf>
- Copyright Advisory Office, Columbia University: <http://copyright.columbia.edu/>
- Blackboard Copyright Best Practices: <http://tinyurl.com/BlackboardCopyright>
- Hall Davidson's Copyright Resources: <http://tinyurl.com/HallDavidsonCopyright>

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