

## Copyright Infringement Policy

### Copyright Infringement

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 <https://copyright.gov> and the FAQ page at <https://www.copyright.gov/help/faq/> .

### Peer-To-Peer (P2P) File Sharing

P2P file sharing refers to the use of any technology/application that allows users to make media on their computers available for other users to download and use. This may involve direct file sharing between friends or random file sharing between all users of the Internet. Some examples of P2P file sharing software include but are not limited to BitTorrent, LimeWire, and Kazaa.

Besides the danger of using P2P software to knowingly or unknowingly share copyrighted material, there is also considerable personal and security risk to the P2P software user, as improperly configured software could potentially share out the contents of a user’s computer hard drive to the public Internet or infect the user’s system with malicious software.

While P2P software is legal, to use it for sharing copyrighted material is illegal. Illegal sharing of copyrighted material subjects the users to hefty civil and criminal penalties. Copyrighted materials include music, videos/movies, photos, software, e-books and other written works, etc.

### Legal Alternatives For Downloading

Below is a small sample of what is available as a legal alternative:

- Amazon Music
- Amazon Prime Video
- Hulu Movies and TV
- Netflix Movies and TV
- Spotify
- eMusic.com
- IMDb
- YouTube: Movies, TV and Music

For a more comprehensive list of other suggested legal alternatives, visit <https://www.educause.edu/legalcontent> .

### Infringement and Unauthorized Distribution

PCHS uses technology-based deterrents (such as firewalls) to reduce the unauthorized distribution of copyrighted materials and provide protection against malicious content. The College has installed systems that attempt to block offensive material and restrict access to other sites that have been known to violate copyright laws. PCHS reserves the right to suspend or terminate network access to any campus user that violates this policy and network access may be suspended if any use is impacting the operations of the network. Violations may be reported to appropriate authorities for criminal or civil prosecution. The existence and imposition of sanctions do not protect members of the campus community from any legal action by external entities.