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| Procedure: Unauthorized Distribution of Copyrighted Materials | Issued: 7/1/2010 | Revised: | Page 1 of 2 |
|--|----------------------------|-----------------|--------------------|

Copyright is legal protection provided to authors of “original works of authorship” including literary, dramatic, musical, artistic, and certain other intellectual works, both published and unpublished. The owner of a copyrighted work has the exclusive right to reproduce the copyrighted work, to prepare derivative works, to distribute copies of the copyrighted work, to perform the copyrighted work publicly, or to display the copyrighted work publicly. For more information on copyright basics, see <http://www.copyright.gov/circs/circ01.pdf>.

Copyright infringement is the act of exercising, without permission or legal authority, one of more of the exclusive rights granted to copyright owners.

Penalties for copyright infringement include civil and criminal penalties.

In general, anyone found responsible for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages of not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may order 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 may also assess costs and attorneys' fees. For details, see Title 17 United States Code Section 504 and 505 and the FAQ's at www.copyright.gov/help/faq. Taken from United States Department of Education "Dear Colleague" Letter of June 4, 2010.

Educause, a nonprofit association whose mission is to advance higher education by promoting the intelligent use of information technology, offers the following advice:

“Students can violate the rights of a copyright holder using many different types of technology. Both uploading and downloading of files can violate copyright law, and the law applies to songs, videos, games, textbooks, movies, and any other type of creative content.

While many files, including music, movie, and software files, are freely available on the Internet, the unauthorized downloading of copyrighted material may well constitute copyright infringement if done without the permission of the copyright holder.

Nearly all current content available on the Internet is subject to copyright protection from its moment of creation. The best protection from any claims of copyright infringement is to not download or share copyrighted content unless it is from a source where you know that the copyright owner has given permission for you to download or share the content. Unless you have explicit permission from the copyright owner to copy, download, or share the material, you should consider it copyright protected and you should not download it or share it.” See: Educause.edu/Resources website.

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|--|----------------------------|-----------------|--------------------|

There are many sites on the Internet that offer the opportunity to legally purchase (and in some cases download for free) music, movies, and games. See a list at <http://www.educause.edu/legalcontent>

In addition to potentially violating the law, unauthorized distribution or receipt of copyrighted material violates the Creighton University's Acceptable Use Policy. That policy can be found in the Creighton University Policies at 2.4.25 <http://www.creighton.edu/fileadmin/user/president/docs/Guide.pdf>

Content owners actively monitor file sharing networks and issue takedown notices to internet service providers (including Creighton University) requesting that the University remove these files.

If Creighton receives such a notice, it will remove/delete the file and block the user's access to Creighton's network until the student has met with Student Services to discuss appropriate disciplinary action. Disciplinary action is taken against students who engage in unauthorized distribution of copyrighted materials using Creighton's network.

Creighton University has developed plans to combat the unauthorized distribution of copyrighted material, including using a variety of technology-based deterrents, one of which is bandwidth shaping.

Creighton University's Department of Information Technology and its General Counsel's Office will periodically review the effectiveness of this plan to combat the unauthorized distribution of copyrighted materials by users of Creighton's network.

This notification will be distributed annually.

Reviewed by the Bylaws, Policies, and Procedures Review Committee on 10/6/09