

COPYRIGHT INFRINGEMENT POLICY

U.S. Copyright Law

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or reproduction. One of these specific conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research. If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement. SOLEX College is legally obliged to pay attention to the copyright law. This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

"Fair Use" and the Library, section 107 of Title 17 of US Code <http://copyright.gov/title17/>

In determining whether the use made of a work in any particular case is a fair use the factors to be considered include:

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit education purposes.
- The nature of the copyrighted work.
- The amount and substantiality of the portion used in relationship to the work as a whole.
- The effect of the use on the potential market of the work.

Higher Education Opportunity Act Requirements:

H.R 4137, the Higher Education Opportunity Act (HEOA), is a reauthorization of the Higher Education Act. It includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing.

- Institutions make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.
- Institutions certify to the Secretary of Education that they have developed plans to "effectively combat" the unauthorized distribution of copyrighted material.
- Institutions, "to the extent practicable," offer alternatives to illegal file sharing.
- Institutions identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials

This document outlines SOLEX's plan to comply with these requirements.

Important Notice to All SOLEX Computer and Network Users

What You Need To Know Before Using SOLEX's Computer And Network Resources

This Notice is to inform all users of SOLEX College's computer and network resources of SOLEX College's Policy regarding Unauthorized Peer to Peer (P2P) File Sharing and Copyright Infringement. Such activity includes the downloading and distribution of intellectual property such as movies, television, music, games, electronic books, and software programs via the Internet or participating in distribution of copyrighted material without authorization via Peer-to-Peer file sharing. Copyright Infringement, often referred to as "piracy" is **theft**.

All users of SOLEX College's computer and network resources should have a clear understanding that violating this policy is the same as violating Federal copyright laws and subject to civil and criminal charges. See the Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws below.

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" 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 Web site of the U.S. Copyright Office at www.copyright.com

SOLEX's Penalties for Violation of Federal Copyright Infringement Laws and Unauthorized Use of Peer-to-Peer (P2P) File-Sharing

Penalties for violation of copyright laws, policy regarding (P2P) file sharing, or any other institutional rules governing internet usage will be individually assessed and based upon severity of the abuse and will range from temporary suspension of internet privileges to expulsion. In addition to institutional penalties, violators may also be subject to civil and criminal penalties as well.

SOLEX's Plan to Effectively Combat the Downloading and Distribution of Copyrighted Material

SOLEX College has deployed a two-fold method of providing real-time control over the traffic coming into our campus network. Using a firewall appliance (hardware) in combination with bandwidth management software, the College manages incoming and outgoing access by classifying traffic based on the nature of its content. Using a method referred to as traffic shaping the number of simultaneous traffic flows can be limited as a means of preventing illegal or dangerous downloads and deterring unauthorized peer-to-peer file sharing. Web blocking features make it possible to deny access to web sites known to promote obscene, discriminatory, abusive, or illegal behavior.

The College's firewall provides protection campus-wide to both our wired and wireless network users against all threats coming from the web. Firewall policies determine which ports are blocked and which are open, allowing granular control over network traffic by permitting access to specific network protocols only to specific incoming and outgoing ports.

When it is discovered that a system is using excessive bandwidth, the owner is contacted to ensure that the bandwidth consumption is for legal purposes and that the user is aware of the College's policies concerning illegal file sharing.

The **Digital Millennium Copyright Act (DMCA)** passed by Congress in 1998, makes it illegal to copy or share intellectual property--music, videos, games, software and other materials--without permissions. SOLEX College adheres to the regulations and guidelines outline by the DMCA. For more information about the DMCA, see <http://www.copyright.gov/legislation/dmca.pdf>.

The College responds to all Digital Millennium Copyright Act notices according to policies published on our website.

Reviewing Effectiveness of 'Combat Plan'

Prior to the start of the Fall and Spring semesters each year, IT Department staff will compare the frequency of incidents of abuse and review bandwidth usage statistics as a means of evaluating the effectiveness of the plan and make adjustments accordingly to increase the plan's overall efficiency.

Alternatives Offered to Illegal File Sharing

There are plenty of sites that offer legal downloads such as:

CinemaNow.com

Movielink.com

Spike.com

AtomFilms.com

iTunes.com/video

Educause links to legal sources of online content <http://www.educause.edu/legalcontent>