

Federal Copyright Law Compliance

Overview

Houghton College is mandated by federal law to combat illegal copyright infringement on our network. This article will explain the relevant federal law, what file sharing is and how it relates to illegal copyright infringement, how Houghton College complies with federal law, and provide a list of alternate legal download distributors.

What is File Sharing? How does it relate to illegal copyright infringement?

File sharing is the act of downloading or uploading a file between two computers (usually it occurs between your computer and another computer somewhere out on the internet) and is not inherently illegal. It becomes illegal when the content being shared (uploaded or downloaded) is copyrighted and you are not the copyright holder. This most commonly occurs on peer-to-peer (P2P) networks with games, tv shows, movies, and software being shared between people, neither of whom control the copyright on the content they are sharing. Please see the next section for the formal definition of copyright infringement and what the penalties are.

Definition of Copyright Infringement and 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 Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

The Higher Education Opportunity Act

The relevant federal law is the Higher Education Opportunity Act (HEOA), which can be found here: [Higher Education Opportunity Act](#)

How does Houghton College comply with federal law on this matter?

Houghton College is required to combat illegal copyright infringement on our network, and to do so we employ several different methods. We utilize technology based deterrents to automatically detect and block peer-to-peer (P2P) connections on our network. We also log all

network traffic so that the source of the copyright infringement can be determined and contacted. Another method of compliance is the blocking of web sites related to peer-to-peer downloads and software. Finally, we also investigate and comply with any and all Digital Millennium Copyright Act (DMCA) notices that we receive.

If we find that someone is taking part in illegal copyright infringement on our network, we may take the following actions:

- 1) Temporarily disable their network access and inform them that they are in violation of federal law (this is often done automatically by our technology based deterrent).
- 2) Disable their network account, and/or prohibit their device from connecting to the network if the violation recurs.
- 3) Report the student or employee to the appropriate office or supervisor for disciplinary evaluation and/or action; for students this would be the Office of Student Life.

It is also important to note that before receiving Houghton College network accounts, all students and employees must agree to the [Network Usage Agreement](#), which prohibits the usage of Peer-to-Peer software on the Houghton College network.

Alternatives to Illegal Downloading

Below are links to lists of common legal content distributors. Please note that sources listed here are not endorsed or evaluated by Houghton College.

[EDUCAUSE - Legal Sources of Online Content](#)
[Campus Downloading - Legal Sites](#)