



MEMORANDUM

COPYRIGHT INFRINGEMENT POLICY AND SANCTIONS

A. COPYRIGHT LAW

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.

Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, is against the law and may subject users to **civil and criminal liabilities**. Peer-to-Peer (P2P) file sharing refers to the use of software that allows computer users to connect in to a network to search for shared files on the computers of other users (the “peers”) connected to the network.

B. SANCTIONS AND PENALTIES FOR VIOLATING COPYRIGHT LAW

Violators of this policy will be subject to the existing student disciplinary procedures of Erie Community College. Sanctions may include the loss of computing privileges. Illegal acts involving Erie Community College computing resources may also subject users to prosecution by State and Federal authorities.

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.