

Copyright Infringement Policy

Copyright infringement involves the reproduction or distribution of a copyrighted work without permission or legal authority. The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, is subject to civil and/or criminal penalties. Violations that occur on BW Internet traffic are reported to the IT Department by our Internet service provider.

Baldwin Wallace University, in compliance with the Digital Millennium Copyright Act (DMCA), Higher Education Opportunity Act (HEOA – Public Law 110-315), and Recording Industry Association of America (RIAA), takes quick action when notified of an alleged copyright infringement occurring from a computer connected to the campus network. Incidents are referred to the appropriate campus officials and steps are taken to stop unauthorized downloading or distribution of copyrighted materials. The RIAA can monitor network traffic at colleges and universities to identify illegal activity. Penalties can be severe.

Actions resulting from the discovery of copyright infringement include the following:

- Identify the computer responsible for the violation and contact the owner
- Notify the owner to cease all activity involving illegal file sharing or copyright infringement
- Require the deletion of illegally acquired files
- Notify the Director of Residence of Life and Judicial Affairs (resident students)
- Schedule an official hearing with Judicial Affairs (students)
- Require a written essay on the topic of copyright infringement (students)
- Impose probationary sanctions for residency (resident students)
- Possible probationary sanctions for athletic participation (students)

Members of the BW community are cautioned against using peer-to-peer applications that pose security risks and potential legal issues. By default, many of these programs can extract confidential information and share with third parties. Viruses and malware are frequently associated with these programs.

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, Section 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 (www.copyright.gov).