

Copyright Infringement Policy

What is Copyright Infringement?

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 subject to the following penalties:

- 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 may, in its discretion, also assess costs and attorneys’ fees. For details, see Title 17, United States Code, Sections 504 and 505.
- Willful copyright infringement may 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 visit the website of the U.S. Copyright Office at copyright.gov, especially their FAQs at copyright.gov/help/faq

What is Peer-to-Peer (P2P) File Sharing?

P2P file sharing refers to the use of any technology/application that allows users to make media on their computers available for other users to download and use. This may involve direct file sharing between friends or random file sharing between all users of the Internet. Some examples of P2P file sharing software include LimeWire, Bearshare, Kazaa and BitTorrent.

Besides the danger of using P2P software to knowingly or unknowingly share copyrighted material, there is also considerable personal risk to the P2P software user, as improperly configured software could potentially share out the contents of a user’s computer hard drive to the public Internet.

While P2P software is legal, to use it for sharing copyrighted material is illegal. Illegal sharing of copyrighted material subjects the users to hefty civil and criminal penalties. Copyrighted materials include music, videos/movies, photos, software, e-books and other written works, etc.

Student Intellectual Property

The Copyright Laws defining ownership reserve the intellectual property rights for a work to the individual author or creator of the work. That means all the works students create in response to course assignments, projects, or independent study and research are their property. This includes term papers,

multimedia products, artworks, reviews, websites, performances, designs, and even contributions to online or recorded discussions. There is an implied consent in the student-faculty contract, that faculty members can copy, distribute or otherwise use the work for the purposes of and within the context of the course; but permission for any further use beyond the course and the course term should be obtained in writing.

Summary of Student Disciplinary Procedures for Violation of Federal Copyright Laws

In addition to the federal legal penalties described above, all students charged with copyright infringement will also be subject to disciplinary action under the IBC Student Handbook which describes the minimum standard of ethical behavior by which all IBC students have chosen to live.