



## FILE SHARING INFORMATION

### File Sharing at TUN

Downloading and sharing copyrighted material online without permission is unethical and illegal. Touro University Nevada (TUN) is dedicated to addressing and resolving issues of copyright infringement, as well as implementing preventative measures and policies to ensure proper use of peer-to-peer (P2P) applications on the campus network.

Copyright owners may complain to TUN directly or through our Internet provider. Upon a complaint, TUN will actively investigate the allegation(s) and report our findings to the Dean of Students (for students) or Human Resources (for faculty/staff) for review and possible disciplinary action under the appropriate Handbook. TUN does actively monitor use of our network. If we identify individuals who are downloading and sharing copyrighted materials, evidence of their activities will be provided to the Dean of Students (for students) or Human Resources (for faculty/staff) for review and possible disciplinary action. In addition to sending complaints to TUN, copyright owners may also take direct legal action against alleged infringers, and subpoena the University for information about people sharing files. Lack of knowledge about copyright infringement laws will not excuse one from legal consequences, or from action by the University. It is your responsibility to be aware of the legality of your actions.

TUN does not offer an on-campus source for the legal download of music or videos. However, the RIAA site provides a list of [legal music sites](#). We recommend the use of those sites.

For further information, visit the Wikipedia site on [DMCA](#) and the Educause site on [HEOA and P2P](#).

### 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](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

(Material obtained from United States Department of Education, Office of Postsecondary Education, Dear Colleague Letter GEN-10-08, June 4, 2010)

### **Digital Millennium Copyright Act (DMCA)**

The Digital Millennium Copyright Act (DMCA) is legislation enacted by the United States Congress in October 1998 that made major changes to the US Copyright Act. These changes were necessary in part to bring US Copyright law into compliance with the World Intellectual Property Organization (WIPO) Copyright Treaty and the WIPO Performances Phonograms Treaty. The DMCA also strengthened the legal protection of intellectual property rights in the wake of emerging new information communication technologies.

### **Higher Education Opportunity Act (HEOA)**

The Higher Education Opportunity Act (HEOA) of 2008 requires campuses to deal with unauthorized file-sharing on campuses including (a) an annual disclosure to students describing copyright law and campus policies related to violating copyright law; (b) a plan to “effectively combat” copyright abuse on the campus network using “a variety of technology-based deterrents”; and (c) “offer alternatives to illegal downloading.”

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## FAQ

**Will I be responsible for the DMCA copyright violation if someone else commits the violation using my assigned TUN account?** Yes, if you allow another individual to use your assigned TUN account. Each user must comply with the Institutional Appropriate Use Policy.

**How do I know what is legal and what is not when it comes to copying music?** Here is the bottom line: If you distribute copyrighted music without authorization from the copyright owner, you are breaking the law. Distribution can mean anything from "sharing" music files on the Internet to burning multiple copies of copyrighted music onto blank CD-Rs.

**Is it illegal to upload music onto the Internet even if I don't charge for it?** Yes, if the music is protected by copyright and you do not have the copyright holder's permission. U.S. copyright law prohibits the unauthorized distribution of copyrighted creative work whether or not you charge money for it.

**If all I do is download music files, am I still breaking the law?** Yes, if the person or network you are downloading from does not have the copyright holder's permission. Peer-to-peer systems like KaZaa, Grokster, Gnutella, LimeWire, Morpheus, WinMX, Aimster, and Bearshare have music that is not legal for you to download.

**What if I upload or download music to or from a server that is based outside of the U.S.?** If you are in the United States, U.S. law applies to you regardless of where the server may be located.

**What if I download or upload poor-quality recordings?** The law prohibits unauthorized copying and/or distribution of digital recordings that are recognizable copies of copyrighted work. The quality of the recordings does not matter.

**If I bought the CD, is it okay to make copies of it?** It is illegal to copy a CD for use by someone other than the original purchaser. This means it is illegal to loan a friend a CD for them to copy, and it is illegal for you to make mixed CDs and distribute them to your friends as well.

**How do I know if something is copyrighted?** When you buy music legally, there is usually a copyright mark somewhere on the product. Stolen music generally doesn't bear a copyright mark or warning. Either way, the copyright law still applies. A copyrighted creative work does not have to be marked as such to be protected by law.

**Where can I legally download music?** The Recording Industry Association of America (RIAA) maintains a list of legal online music sources. The list can be found at [http://www.riaa.com/toolsforparents.php?content\\_selector=legal\\_music\\_sites](http://www.riaa.com/toolsforparents.php?content_selector=legal_music_sites).