

# COPYRIGHT INFORMATION

- 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.
- Austin College is committed to protecting copyrighted material & prohibits the illegal distribution or unauthorized distribution of copyrighted materials.
- The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing may subject you to civil and/or criminal penalties.
- By using the Austin College network you agree to abide by Austin College's Electronic Resources Acceptable Use Policy. This policy prohibits using College computing and network resources for any conduct that would violate copyright infringement laws. <https://www.austincollege.edu/electronic-resources-acceptable-use-policy/>
- For more information on copyright laws and how they may affect you, please visit <http://www.copyright.gov>.

# TECHNOLOGY DETERRENTS

- In compliance with the Digital Millennium Copyright Act (DMCA), the College will respond quickly when notified of alleged copyright infringements occurring from a device connected to a campus owned network. Students & employees engaging in downloading and sharing copyrighted material will receive an e-mail that the college has received notice that they may be in violation, either through alleged illegal downloading or by allowing legally purchased songs on their computer to be shared with others illegally through a file-sharing program (such as Limewire).

# PENALTIES AND VIOLATIONS

- 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 website of the U.S. Copyright Office at <https://copyright.gov>.
- Violations by students may involve convening a hearing before Student Affairs. The appropriate authority in Student Affairs may impose sanctions that range from: disabling network and internet access, a letter of reprimand, or expulsion from the College.
- Violations by employees are determined by the appropriate college authority(ies) as determined by the Chief of Human Resources. The Appropriate authority(ies) may

impose sanctions that range from: disabling network and internet access, a letter of reprimand, or termination of employment.

- Violators of the Digital Millennium Copyright Act (DMCA) can be punished by substantial fines. Individuals also may be held civilly liable for actual damages or lost profits, or for statutory damages up to \$150,000 per infringed copyright. Attempting to profit from file sharing can even result in a prison sentence. For more information on copyright laws and how they may affect you, please visit <http://www.copyright.gov> for detailed information related to the Digital Millennium Copyright Act (DMCA).
- In compliance with DMCA requirements, Austin College must respond expeditiously to notices of alleged copyright infringement. An alleged violator typically finds out about a notice when they receive an email from Austin College. This email informs the individual that a copyright holder has sent the College a notice of alleged infringement, which identifies the offender's IP address. The individual is requested to confirm receipt of the notice, implement all actions specified, and take all appropriate actions. If the alleged violator ignores the request, then other actions may ensue including disabling the network connection or disciplinary action up to and including suspension and/or termination of employment depending upon the individual.

## PERIODIC REVIEW

- Austin College will review the effectiveness of this policy using relevant assessment criteria as determined by the Information Technology department & Institutional Compliance.
- Reviews will be conducted after the College receives a notice of alleged copyright infringement relating to the use of College's electronic resources.

## FAIR USE

- Austin College Library's policy for providing access to copyright-protected materials through its print reserve service is derived from the fair use provisions of United States Copyright Act of 1976 (Title 17 of the United States Code).
- Section 107 of the Copyright Act expressly permits the making of multiple copies for classroom use. This does not require the payment of a royalty or the permission of the copyright owners provided that the circumstances of the use are fair as determined by four factors as described in the [Copyright Law of the United States of America](#)
- For the full Fair Use policy please visit: <https://aclibrary.austincollege.edu/copyright>