

COPYRIGHT INFRINGEMENT LAW, SANCTIONS AND PEER TO PEER FILE SHARING

WTC does not condone, and will not allow, violations of the United States copyright laws. Subject to certain specific exceptions, the owner of a copyright has the exclusive right to reproduce, distribute, perform, or display the copyrighted work or to authorize such reproduction, distribution, performance, or display. An exception to the exclusive rights is the Doctrine of Fair Use. The fair use of copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. The following factors shall be considered in determining fair use for all works other than broadcast programming:

- Purpose and character of the use; whether the use is of a commercial nature or for non-profit education purposes;
- The nature of the copyrighted work;
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- The effect of the use upon potential market for or value of the copyrighted work.

BROADCAST PROGRAMS -A "broadcast program" is any television program transmitted by a television station without charge to the general public. Staff members may record a broadcast program for the staff member's one time instructional use. The broadcast program must be used within ten (10) school days of the recording and must be destroyed within forty-five (45) calendar days of recording. Staff members may also view a program to determine whether to purchase the program and add it to the curriculum. The technology center will not record multiple copies of the same broadcast program for an individual staff member, and will not record broadcast programs without first receiving a request to record.

EXCEPTIONS - A further exception to the copyright law includes the performance or display of a work by instructors or students in the course of face-to-face teaching activities in a classroom or other place devoted to instruction. Reference: 17 U.S.C. §107

WTC requires that all students adhere to current copyright laws and congressional guidelines and avoid plagiarism (using another person's ideas or creative work without giving credit to that person). The copyright laws of the United States make it illegal to duplicate copyrighted materials (the work of another person) without written permission. 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. These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of copyrighted work without authority constitutes 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 cost and attorneys' fees. For details see Title 17, United States Code, and Section 504,505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines up to \$250,000 per offense. For more information, visit the website of the U.S. Copyright Office at <https://www.copyright.gov>

PEER TO PEER FILE SHARING DISCLOSURES

1. The student is required to sign an agreement upon enrollment which states that he/she understands they are subject to penalties of all state and federal laws governing the use of computers, software and copyrights. Penalties of violation of copyright laws include possible suspension from WTC, a possible maximum penalty of up to 5 years in prison and a possible maximum monetary fine of up to \$250,000.
2. Western Technology Center, in consultation with the IT director, takes reasonable precautions to prevent illegal activity by using a content filter that blocks peer to peer file sharing through our firewall. WTC has policies set to block all P2P (peer to peer) traffic from our firewall via application control policies.

If copyrighted materials are needed in the classroom WTC goes through legal channels to purchase or obtain permission to use materials.