

Copyright Infringement Disclosure

It is the policy of Cairn University to adhere to the existing copyright laws of the United States of America and to maintain the highest possible standard in the use of copyrighted materials for personal, instructional, and other University uses. Federal copyright law prohibits the reproduction, distribution, public display or public performance of copyrighted materials without permission of the copyright owner, unless fair use or another exemption under copyright law applies.

Any Cairn student, staff or faculty member who uses the Cairn network or systems for the illegal downloading or distribution of copyrighted material risks a lawsuit from the copyright owner, loss of access to the Cairn network and resources, and disciplinary action.

Under no circumstance is it necessary for employees or students of Cairn University to violate copyright requirements in order to properly perform their duties.

Understanding 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).

In general, copyright infringement occurs whenever someone makes a copy of any copyrighted work, such as music, video, software, cartoons, photographs, or manuscripts, without permission (e.g., a license) from the copyright owner and without falling within the specific exceptions provided for under the current copyright laws. These exceptions include "fair use" (limited circumstances where use of copyrighted material without permission is allowable for purposes of news reporting, criticism, commentary or teaching) and provisions of the Audio Home Recording Act, which allows for noncommercial copying of lawfully acquired music onto recordable compact discs (CD-Rs). For more specific information about current U.S. Copyright law, please visit <http://www.copyright.gov/>.

Music/Video Sharing and Peer-to-Peer (p2P)

Peer-to-peer computing is a powerful technology that has many uses. The use of p2p networks to upload, download or share copyrighted digital media can violate the rights of copyright owners. For example, when a p2p network user downloads a copyrighted movie for which he/she has not purchased the rights to view, they are violating copyright law in 2 ways:

1. By obtaining a copy of a movie that they have not purchased the right to view, and
2. Because of the nature of a p2p network, they are also offering to distribute the copyrighted movie to others who have also not purchased the right to view.

Although some copyright owners release music and video under more generous licenses, such as Creative Commons licenses, all of the major music labels and movie production companies view the sharing of their music and movie files over p2p networks as copyright infringement.

Additionally, some p2p applications have default settings that index the files on your computer and make music and video files that you have legitimately acquired available to other users of the p2p network without your being aware of the sharing activity. In such cases, you may unwittingly participate in copyright infringement. Not being aware that your computer is making files available to other users is not a defense for copyright infringement. You are responsible for all of the activity that transpires through your device or account.

Course Resources

Unless otherwise expressly stated on course site, the texts, exams, video, images and other instructional materials provided with the courses are for the student's personal use in connection with those courses only. Certain reference documents, digital textbooks, articles and other information on the site are used with the permission of third parties, and use of that information is subject to certain rules and conditions, which will be posted along with the information. Students' use of these materials is limited to the term in which a course is taught.

Tools to Detect and Deter Illegal File Sharing

Cairn system administrators employ bandwidth shaping technology to prioritize network traffic. Cairn severely limits the amount of bandwidth available to p2p applications. Additionally, Cairn system administrators monitor the logged network traffic to identify the high bandwidth users. Using the Cairn network or systems for the illegal downloading or distribution of copyrighted material risks a lawsuit from the copyright owner, loss of access to the Cairn network and resources, and disciplinary action.

- Cairn will identify and contact any users who are targets of claims of copyright infringement. If the user cannot be contacted, the system account will be disabled until the user speaks with the Director of Technology Services.
- First offenses are opportunities for education about copyright law and how to prevent future violations of copyright law and acceptable use of the campus network.
- Second and subsequent offenses will result in the loss of campus network service for an indefinite time period, as well as a referral to the department head for disciplinary action if staff or faculty, or the Dean of Students for possible disciplinary action including, but not limited to, permanent or temporary loss of access to the campus network and/or eviction from on campus housing.

Civil and Federal Consequences of Copyright 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 website of the U.S. Copyright Office at (www.copyright.gov).

The United States Copyright Act, contained in Title 17 of the U.S. Code, is the ultimate source of copyright information.

Contact information

For questions or to file a complaint, contact copyright@cairn.edu.