

## **COPYRIGHT, FILE-SHARING AND RESPONSIBLE USE OF ELECTRONIC RESOURCES**

As a member of the Columbia University community, it is important that you understand your responsibilities for complying with the University's policies and federal law on the use of electronic resources, including computers, networks (including the Internet), email, and online information resources, and on the use of copyrighted material on Columbia's computer systems and network. The University's electronic resources and services are for the primary purpose of supporting the University's mission of education, research, and service. Uses that interfere with or threaten the operation and activities of any part of the University are prohibited, as are uses that violate the law, University policy or the rights of others.

Peer-to-peer file-sharing programs such as Kazaa and BitTorrent, make it easy to download and share unauthorized copies of music, movies, and other copyrighted works. Such activity is against the law and exposes you to legal liability.

To help you use Columbia's electronic resources and services responsibly, and to help you understand the basics of copyright law, we have summarized some information about copyright law below. More detailed information can be found on the University's website at

<http://www.columbia.edu/cu/policy/copyright.html>

**COPYRIGHT LAW AND POLICY** - 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. While there are exceptions under the law that allow copying or distribution of protected works, the use of peer-to-peer software programs to download or upload copyrighted music and movies without permission of the copyright owner would virtually never qualify for an exception. Violations of copyright law are also violations of University policy.

**MONITORING** - The University does not monitor the network for content. However, it does monitor the volume of use on the network. File sharing generates a high volume of network traffic, and if your computer is generating excessive network traffic, your Internet access will automatically be limited. For information on bandwidth limits, see the University's Computer and Network Use Policy at

<http://www.columbia.edu/cu/copyright/policy.html>

**PEER-TO-PEER FILE SHARING** - Most P2P programs such as BitTorrent and LimeWire, automatically turn on sharing when installed and run whenever your computer is on. Even if you disable uploading, many P2P programs automatically reset to resume uploading, and copyrighted material in a "shared" folder can be seen by others using the same P2P software. If you have such programs on your computer, you may be violating copyright law without knowing it. Moreover, some content owners, including the Recording Industry Association of America (RIAA), use the same P2P software to "capture" infringers. This monitoring by the RIAA has led to numerous lawsuits against students, including many Columbia students. Payments to settle these lawsuits can be substantial. The bottom line is that if you want to ensure compliance with the law, do not install P2P file sharing software on your computer.

**Digital Millennium Copyright Act (DMCA)**. Under the DMCA, copyright owners file notices of copyright violations with the University, requiring the University to take immediate action to eliminate such violations. If you are implicated in such activity, you will be notified of the allegation and your network access will be terminated until you have (i) removed the infringing material, (ii) taken a short quiz on copyright, and (iii) agreed to comply with copyright law and not engage in, among other things, illegal downloading, storing and

distribution of copyrighted materials. In the case of repeat infringement, sanctions become more severe, and the University may be required to terminate all access to our network. For more information on the DMCA, and disciplinary sanctions for copyright infringement, see <http://www.columbia.edu/cu/policy/copyright-info.html>.

**Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws.** Copyright infringement constitutes both a violation of University policy and a violation of the law. Under the Higher Education Opportunity Act (HEOA), the University is required to inform you of the civil and criminal penalties for unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing. Those penalties include the following: Anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages, which are set at not less than \$750 and not more than \$30,000 per work infringed. A court also has discretion to assess costs and attorneys’ fees. Willful copyright infringement also can result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

Keep in mind that there are legal alternatives for downloading copyrighted material. For a list of some of the popular legal alternatives for downloading movies and music and other copyrighted materials, see

<http://cuit.columbia.edu/cuit/it-security-practices/filesharing-networks/legal-music-movies-online>

Additionally, EDUCAUSE, which you can link to at <http://www.educause.edu/legalcontent>,

maintains an extensive list of legal alternatives for downloading copyrighted materials.

Proper use of the University’s electronic services and resources will enhance the quality of the University network and systems and foster a culture of respect for the intellectual property rights of both members of the University community and copyright owners in the larger creative community.

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