

ILLEGAL FILE SHARING OF COPYRIGHTED MATERIALS

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The University of New Hampshire takes copyright violations very seriously and has developed policies to combat the illegal use of copyrighted materials. This is an outline of the plan in place to combat unauthorized use of copyrighted materials.

The Higher Education Opportunity Act (HEOA) includes provisions to reduce the illegal uploading and downloading of copyrighted materials through peer-to-peer (P2P) file sharing. These provisions require that:

- Institutions make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and sanction illegal distribution of copyrighted materials.
- Institutions certify to the US Secretary of Education that they have developed plans to “effectively combat” the unauthorized distribution of copyrighted materials including “the use of one or more technology-based deterrents”.
- Institutions offer alternatives to illegal file sharing to the extent practical.
- Institutions identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials.

The University of New Hampshire (UNH) employs the following methods to address the above requirements.

- An annual disclosure to students describing copyright law and campus policies related to violating copyright law.
 - UNH Maintains an Acceptable Use Policy For Information Technology. This policy is posted on the UNH IT Security Web site (<http://it.unh.edu/itsecurity>). Students are asked to read and acknowledge this policy when they receive their computer accounts and/or register their computers on the campus network. The policy explicitly identifies “infringing copyrights” as “Prohibited Use”.

At the beginning of Fall and Spring Semester each academic year, a notice is distributed, via electronic mail, to every UNH student, faculty, and staff member that includes references and specific links to UNH policies regarding copyright laws and methods used to combat the illegal distribution of copyrighted materials.

The Acceptable Use Policy for Information Technology Resources at the University of New Hampshire is included in the UNH Student Rights, Rules and Responsibilities handbook under Administrative Policies, Residential Rules and Regulations.

- UNH developed a video, posted at <http://it.unh.edu/index.cfm?id=B22B63F7-DF71-A795->

[C7F8DA563A5425C6](#) to educate students. This video is also being posted on UNH Cable TV, through the UNH Student Portal/Blackboard, on large display monitors in the main campus Library, and it is used during awareness training.

- UNH has formal programs during the annual October Cyber Security Month during which students are reminded about the dangers and inappropriateness of illegal peer-to-peer file sharing.
 - Notices and information about copyright laws are periodically disseminated to students living on campus via Residential Life and Housing newsletters.
 - UNH Escalation policy is available as a link on the home page for the Office of Vice President for Student and Academic Services [UNH Policy on Copyright Violation Notices](#)
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- A plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents".
 - Bandwidth Shaping – UNH uses bandwidth shaping to limit certain types of network traffic that would otherwise overwhelm the campus network. This bandwidth shaping helps to reduce the amount of peer-to-peer activity.

The University of New Hampshire's complies with the sections of the Digital Millennium Copyright Act (DMCA), enacted in 1998, that deal with online copyright infringement liability limitation. The procedures followed to achieve this compliance are outlined at <http://www.unh.edu/cis/dmca/>.

- Alternatives to illegal downloading.

UNH has elected to provide a list of alternatives to illegal file sharing from The RIAA .

The RIAA list is located at

http://www.riaa.com/toolsforparents.php?content_selector=legal_music_sites

UNH partnered with RUCKUS to provide a legal alternative to downloading copyrighted music. Our partnership ended when RUCKUS discontinued their business and services.

- 4. Periodic Effectiveness Review

UNH periodically reviews the effectiveness of bandwidth shaping. UNH will also evaluate the impact of its use of technology-based deterrents and Escalation Policy via conducting annual reviews of best practices developed by peer institutions that have devised effective methods to combat the unauthorized sharing of copyrighted material.

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, especially their FAQ's at www.copyright.gov/help/faq.