

Program/Instructional Materials

Policy on copyright and software infringement

For network to share files, including (but are not limited to) AFS faculty and visiting faculty, staff, students, guests or agents of the administration.

Following are some examples of copyright infringement that may be found in a school setting:

- Downloading and sharing MP3 files of music, videos, and games without permission of the copyright owner
- Using corporate logos without permission
- Placing an electronic copy of a standardized test on a department's web site without permission of the copyright owner
- Enhancing a departmental web site with music that is downloaded or artwork that is scanned from a book, all without attribution or permission of the copyright owners
- Scanning a photograph that has been published and using it without permission or attribution
- Downloading licensed software from non-authorized sites without the permission of the copyright or license holder
- Making a movie file or a large segment of a movie available on a web site without permission of the copyright owner

If a notice is sent to AFS by an agent/agency that represent the artists and copyright holders. AFS will try and identify the individual or responsible administrator. If it is possible to determine the responsible party, that person is notified that they must remove the infringing material from their computer and let AFS know once this has been done.

If this is the first notification that AFS has received on an individual and the infringing material has not been removed from the computer within five days action, a report about the copyright violation will be sent out to the appropriate individuals.

If students are identified as having committed a second copyright infringement, AFS may take additional action appropriate to the AFS disciplinary process. If students are notified of copyright infringement a third time, additional sanctions may be applied.

Faculty, graduate students, and staff who are engaged in teaching and research functions are expected to understand and act in accordance with applicable copyright laws. AFS is obligated to exercise greater responsibility to address instances of repeated infringing activity by these individuals.

Upon receipt of a valid subpoena, AFS is obligated to turn over any electronic information regarding specific instances of infringing material that has been allegedly transmitted over its networks.

Copyright is legal protection of intellectual property, in whatever medium, that is provided for by the laws of the United States to the owners of copyright. Types of works that are covered by copyright law include, but are not limited to, literary, dramatic, musical, artistic, pictorial, graphic, film and multimedia works. Many people understand that printed works such as books and magazine articles are covered by copyright laws but they are not aware that the protection extends to software, digital works, and unpublished works and it covers all forms of a work, including its digital transmission and subsequent use.

The Digital Millennium Copyright Act (DMCA), signed into law in 1998, recognizes that digital transmission of works adds complexity to the Copyright Law.

DMCA infractions can result in serious consequences regarding activities of faculty, graduate students, or staff who are performing teaching or research functions if the school has received more than two notices of infringement against an individual within a three-year period.

In a civil action, the individual infringer may be liable for either actual damages or statutory damages of up to \$30,000 (which may be increased to up to \$150,000 if the court finds the infringement was willful). In addition, individual infringers may be subject to criminal prosecution. Criminal penalties include up to ten years imprisonment depending on the nature of the violation.

It is true that some copyright holders give official permission to download MP3 files and you might be able to find a limited number of videos that are not copyright protected. It is also true that some MP3 files are copyright free and some MP3 files can be legally obtained through subscription services. However, most MP3 and video files that are shared do not fall into any of these categories.

US Copyright Law allows you to create MP3s only for the songs to which you already have rights; that usually means you purchased the CD or downloaded a file via a subscription service. US Copyright Law allows you to make a copy of a purchased file only for your personal use. Personal use does not mean that you can give a copy to other people, or sell a copy of it.

The Internet offers a variety of legal entertainment alternatives, whether downloads or streaming, free or fee-based, DRM or DRM-free, well-known artists or surprising discoveries.