

## Policy on Sharing Music & Movies

The unauthorized distribution of copyrighted material, including through peer-to-peer file sharing, may subject you to criminal and civil penalties. Although using peer-to-peer file sharing technology in itself is not illegal, *what* you share and *how* you share it may violate the law (just as while driving a car is legal, driving a car on the sidewalk at 90 miles per hour is not).

The laws that govern copyright are not specific to any one technology; you can violate the rights of a copyright holder using many different types of technology. Both uploading and downloading of files can pose a violation of the copyright law, and the law applies for songs, videos, games, textbooks, and any other type of creative content.

Use technology wisely. You are responsible for the choices you make and should be cautious when obtaining any copyrighted material. As a rule of thumb, before you download anything for free, you should research whether that source provides material licensed by the copyright owner. The University of the South offers a list of licensed sources at: [http://www2.sewanee.edu/its/student\\_computing](http://www2.sewanee.edu/its/student_computing)

Individuals who violate the copyright law, even unintentionally, by illegally uploading or downloading may be subject to civil penalties of between \$750 and \$150,000 per song! For those who download or upload dozens or hundreds of songs, penalties could reach into the millions of dollars. These penalties are established by federal law.

Content owners actively monitor file sharing networks and issue takedown notice to Internet Service Providers (including our college) requesting that the college remove these files or subpoenas requesting that the college turn over your contact information for the purpose of filing a lawsuit. Pursuant to State and Federal law, the college must comply with all valid subpoenas.

In the past, pre-litigation settlements offered by copyright owners prior to filing lawsuits against students have ranged from \$3,000 to \$4,000 and up while juries have issued verdicts against illegal file sharers of hundreds of thousands and even millions of dollars. In addition, a court may, in its discretion, grant the copyright owner reasonable attorney fees. Although criminal prosecution of students for file sharing is extremely rare, federal law lays out criminal penalties for intentional copyright infringement which can include fines and jail time.

While it is generally accepted in copyright law that you may format-shift content, that is, you may rip a CD onto your computer and then listen to it on your iPod, that only applies

for your own personal use. You may not then distribute that song file to others. To do so, is to violate the copyright law as is to download a file shared in this manner.

In addition to following the law, you must also follow college policy. Unauthorized distribution or receipt of copyrighted material is a violation of the College's acceptable use policy. That policy states that:

### **Your Responsibilities at Sewanee with Respect to Copyright Law**

Many members of the Sewanee community have questions about their rights and responsibilities with respect to use of copyrighted material, particularly the sharing of music and movies in digital format over the Internet. This document provides an overview of Sewanee's policies and procedures governing music and movie sharing and how we deal with alleged violations. Recent legal actions by the Recording Industry Artists Association (RIAA) against violators of music copyright have made it imperative that everyone understand the risks of their behavior when sharing music and movies with others.

### **Copyright Law**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material regardless of the format of that material. Copyright law is complicated and its interpretation is sometimes controversial. However, recent actions by the recording industry are clarifying legal interpretations of copyright law.

### **Peer-to-Peer Programs (P2P)**

Spurred on by the widespread use of the Internet, P2P programs have been developed to allow people to share information in digital formats. In particular, programs like KaZaA, Gnutella, Morpheus, AudioGalaxy and others are commonly used to share music and movies without regard to the restrictions placed on that material by the copyright owners. Most commercially produced music and movies are copyrighted and cannot be freely shared. This is the law. Sewanee does not examine the information content that is being transmitted (e.g. the music itself) but does monitor the type of information (e.g., that is an MP3 file) in order for us to give priority to academic uses of our network. Members of our community must follow the honor code. The code states that: *Any adequate conception of Honor demands that an honorable person shall not lie or cheat or steal.*

### **The Digital Millennium Copyright Act (DMCA)**

The DMCA specifies procedures that Sewanee must follow when notified an individual using our network is violating copyright laws. If the copyright holder contacts Sewanee about a violation we will stop network access for the individual, notify him/her of the notice we have received, and require removal of the offending material from his/her computer. The individual has the right to claim that the material is not protected by copyright and then a legal process begins. To date, every notice we have received has resulted in the offending material being removed.

## Recent Legal Actions

Recently, the RIAA has taken further action to subpoena the names of people who are sharing large amounts of music. If Sewanee receives a subpoena, we are required to provide the name of the violator who is using our network. These subpoenas can lead to lawsuits, substantial financial penalties and perhaps jail time. In the spring of 2003, for example, four students at other colleges settled copyright claims against them out-of-court for approximately \$15,000 each. The consequences of illegally sharing copyrighted material over the Internet are serious. Some people have argued that the recording industry has been overcharging for music CDs and that music sharing is justified. Others feel that the recording industry has been too slow to adopt legal ways for music to be distributed over the Internet at lower cost. Regardless, most music and movie-sharing violates the law that we are bound to uphold. If you distribute copyrighted music and videos you are putting yourself at risk of losing computing privileges, being charged by the Sewanee Honor Council, and facing prosecution under civil and criminal laws.

## Protecting Yourself

Students found to be in violation of the copyright/file sharing policy or that are reported to us via a takedown notice from the RIAA/MPAA will have their network access blocked. If you have been blocked, **you must contact Alex Bruce**, Associate Dean of Students

([ambruce@sewanee.edu](mailto:ambruce@sewanee.edu)).

The most up to date version of the copyright/file sharing policy can be located online here: <http://www2.sewanee.edu/Studentlife/copyright>

Because of functionality built into file-sharing software resident on your computer, your audio and video files may be available for uploading over the Internet without your knowledge or permission.

To turn off this functionality in **Limewire**:

1. On the **Tools** menu, click **Options**. The **Options** window opens.
2. Click **Sharing**.
3. If a directory is listed, select the directory and click **Remove**.
4. In the **Shared Extensions** area, clear the **Extensions** box.
5. Click **Uploads**.
6. Set **Max Upload Slots** to 0.
7. Move the **Upload Bandwidth** slider to 0%.
8. Click **OK**.

If you have further questions, contact Alex Bruce, Associate Dean of Students ([ambruce@sewanee.edu](mailto:ambruce@sewanee.edu)).