

# **NOTICE of POLICY and PENALTIES for ILLEGAL DOWNLOADING and FILE SHARING**

As of July 1, 2010 under the Higher Education Opportunity Act, NYCC is required to take specific and strict steps to combat the unauthorized distribution of copyrighted materials through illegal downloading or peer-to-peer distribution of intellectual property by users of the Institution's network. The following is the required disclosure of the consumer information as it relates to the unauthorized distribution of copyrighted material by users of the NYCC network.

## **NYCC Network Usage Policy from the NYCC Student Guide, Section IV.B.2.**

Peer-to-peer file-sharing programs such as BitTorrent, Kazaa, Gnutella, eDonkey, etc., open individual computers and the NYCC network to many security risks. Running one of these programs makes an individual's computer vulnerable to viruses and spyware that can be distributed by others using P2P programs. Usage of any P2P programs to share files or download files from others is strictly prohibited. Computers on the network seen running these programs are subject to immediate disconnection from the wireless network. A student who has installed any P2P programs must remove or disable them in order to remain in compliance with the Wireless Network Usage Policy. Usage of P2P file sharing programs put individual computers as well as the NYCC network at risk. It is also against the law to download or distribute music files, movie files, or software programs according to federal copyright laws. Doing so may put an individual at risk of legal action. For more information regarding the legality of sharing music files, visit the Recording Industry Association of America at [www.riaa.com](http://www.riaa.com).

## **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](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

## **Legal File Sharing and Downloading Alternatives**

For a list of legal file sharing and downloading sites, visit <http://www.educause.edu/legalcontent>.