

Copyright Infringement and Peer-to-Peer File Sharing Policy

What is Copyright Infringement?

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 subject to the following penalties:

- 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 FAQs at www.copyright.gov/help/faq.

What is Peer-to-Peer (P2P) File-sharing?

P2P file-sharing refers to the use of any technology / application that allows users to make media on their computers available for other users to download and use. This can involve direct file sharing amongst friends or random file sharing amongst all users on the Internet. Some examples of P2P file sharing software include LimeWire, Bearshare, Kazaa, and BitTorrent.

Besides the danger of using P2P software to knowingly or unknowingly share copyrighted material, it also presents considerable personal risk to the P2P software user, as improperly configured software could potentially share out the entire contents of a user's computer hard drive to the public Internet.

While the use of P2P software is legal, to use it for sharing of copyrighted material is illegal. Illegal sharing of copyrighted material subjects the users to hefty civil and criminal penalties. Copyrighted materials include music, videos/movies, photos, software, ebooks and other written works, etc.

What are the Legal Alternatives?

Grand Canyon University routinely receives copyright infringement notices from the Recording Industry Association of America (RIAA), the Motion Picture Association of America (MPAA), and other parties delegated to protecting copyrighted material.

There are several legal alternatives to downloading and using popular music, videos, and other media. Below is a small sample of what is available:

- [Amazon MP3 Downloads](#)
- [Amazon Video on Demand](#)
- [Blockbuster Online](#)
- [Hulu Movies & TV](#)
- [iTunes Movies, Music, & TV](#)
- [Netflix Movies & TV](#)
- [Rhapsody](#)
- [Walmart MP3 Music Downloads](#)
- [Zune](#)

For a comprehensive list of other suggested legal alternatives, visit:

<http://www.educause.edu/legalcontent>

What Happens When GCU is Notified of an Infringement?

When copyright infringement notifications are received by GCU, the information is provided to the Information Security Office (ISO) so that it can be investigated and traced to a specific user. Once the user is identified, disciplinary actions may be imposed as outlined in the Disciplinary Procedures within the Student Handbook, up to and including removal from Grand Canyon University and potential civil and criminal penalties.

Where Can More Information About Copyright Infringement Be Obtained?

For more information regarding copyright infringement, please visit the following references:

[US. Copyright Law](#)

[EDUCAUSE's HEOA Resource](#)

[GCU Residence Network Use Policy](#)