

GCU COPYRIGHT INFRINGEMENT 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 may, in its discretion, also assess costs and attorneys’ fees. For details, see Title 17, United States Code, Sections 504 and 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 visit the website of the U.S. Copyright Office at copyright.gov, especially their FAQs at 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 may involve direct file sharing between friends or random file sharing between all users of the Internet. Some examples of P2P file sharing software include but are not limited to PirateBay, Mega Downloader, ShareMe and BitTorrent.

Besides the danger of using P2P software to knowingly or unknowingly share copyrighted material, there is also considerable personal and security risk to the P2P software user, as improperly configured software could potentially share out the contents of a user’s computer hard drive to the public Internet or infect the user’s system with malicious software.

While P2P software is legal, to use it for sharing 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, e-books 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.

Below is a small sample of what is available as a legal alternative:

- Amazon Music
- Amazon Prime Video
- Hulu Movies and TV
- Apple: Music and TV
- Netflix Movies and TV
- Pandora
- Spotify
- YouTube: Movies, TV and Music
- Disney +

For a more comprehensive list of other suggested legal alternatives, visit <https://www.educause.edu/legalcontent>

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What happens when GCU is notified of an infringement?

When copyright infringement notifications are received by GCU at the office of the Chief Information Officer, the information is provided to the Information Security Office (ISO) so it may be correlated via network logs to a specific user. Once the user is identified, network access is immediately revoked, and the user is contacted to remediate the alleged infraction. It is the ISO's discretion to reinstate network privileges based on the severity of the alleged infraction. Further 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.

Generative AI in Creative Works

Note that the legal impact of Generative AI (e.g., ChatGPT) is still being addressed; new regulations and case law guidance are likely to emerge constantly over several years. On an interim basis, GCU should consider derivative works of output from Generative AI as difficult or impossible to copyright. Additionally, if an AI model produces an output, which constitutes copyright infringement, some responsibility may be shared by the organization publishing that content, in addition to any legal liability on the part of the company who owns the AI model. Please review the AI policies and procedures for the company along with those provided by your specific department for more detailed guidance on the use of Generative AI.