

Information Regarding the Use, Distribution, and Sharing of Copyrighted Works

Higher Education Opportunity Act (HEOA)

In accordance with HEOA, there is a requirement that all U.S. colleges and universities make every effort to inform students about the copyright law and copyright infringements.

There are three main components of HEOA. They are the following:

- Annual Disclosure of Digital Millennium Copyright Act (DMCA) to all students. To read more please visit: [DMCA Information](#)
- Create a plan to combat the unauthorized sharing of copyright material. [Combatting Unauthorized Distribution](#)
- Offer legal alternatives to downloading. To read more on Legal Alternatives please visit EDUCAUSE. There is an extensive list of legal alternatives for downloading copyrighted material. For more information, visit: [EDUCAUSE Legal Content Download](#)

Select the following link to read more information on the [Higher Education Opportunity Act \(HEOA\)](#).

Copyright

A copyright is a legal device that gives the creator of a literary, artistic, musical, or other creative work the sole right to publish and sell that work. Copyright owners have the right to control the reproduction of their work, including the right to receive payment for that reproduction. An author may grant or sell those rights to others, including publishers or recording companies. Violation of a copyright is called infringement.

As the media on which artistic and intellectual works are recorded have changed with time, copyright protection has been extended from the printing of text to many other means of recording original expressions. Besides books, stories, periodicals, poems, and other printed literary works, copyright may protect computer programs; musical compositions; song lyrics; dramas; dramatico-musical compositions; pictorial, graphic, and sculptural works; architectural works; written directions for pantomimes and choreographic works; motion pictures and other audiovisual works; and, sound recordings (Legal-Dictionary, 2014).

Copyright Infringements

The agent designated to respond to reports alleging copyright infringements on Siena College website locations, in accordance with the Digital Millennium Copyright Act, is the College Counsel. For more information please see [copyright infringements](#).

Digital Millennium Copyright Act (DMCA)

Digital Millennium Copyright Act (DMCA) helps protect the owners from illegal downloads, file sharing, copyright and piracy. These owners may be represented by organizations such as the Recording Industry Association of America (RIAA), Motion Picture Association of America (MPAA), or Universal Music. It also covers use of derivative work based on someone else's work or publication without their permission. This pertains to, but is not limited to, music, movies, pictures, designs, art, and publications (i.e. books, magazines, and journals).

Included within the DMCA are "takedown" notices which are notifications Siena College, as the internet service provider (ISP), receives from the content owners or their representatives who has identified copyright infringement on the Siena College campus. Siena College doesn't monitor students' internet activity; however, this doesn't exclude those whom represent the owners from identifying violators based off of their ISP identification when there are instances of materials being illegally shared.

Combatting Unauthorized Distribution

To combat peer-to-peer file sharing and unauthorized distribution, we have implemented a program to accept and respond to DMCA takedown notices. Once Siena College is contacted, we will investigate the claim, and at that time, either remove the copyrighted material from the website or, whenever possible, identify the source [the Internet Protocol (IP) address] used by the allege person(s) on the network. At Siena College, we monitor the network for volume, not for content. Any IP address that is identified to be generating excessive network traffic will be investigated and access may be cut off or limited.

Siena College Policy

Ripping, copying or downloading unlicensed movies, music, or software from peer-to-peer sharing sites is illegal and is a violation of the Siena College Computing Use Policy.

The Siena College Computing Use Policy explicitly states the following in reference to unlicensed copyright material:

"No material will be published on any Siena websites that violates any licensing or contractual agreement, copyright law, college regulation or policy (FERPA, Campus Crime Security Act, etc.).

Members of the Siena community will be subject to disciplinary action for unauthorized P2P file sharing. Students will be sanctioned in accordance with the Student Code of Conduct in Siena Life. Faculty, Staff, and Administrators found in violation will be subject to varying sanctions, up to and including, termination of employment from the College. To ensure permissible downloading of music and the like, contact ITS for more information on File Sharing and Copyright."

Penalties for Violations of Federal Copyright Laws

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 website of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq. (EDUCAUSE, 2014)

Related File Sharing Documents

- » Tips on File Sharing with Peer-To-Peer (P2P) Applications (Brown)
- » [Peer-to-Peer \(P2P\) and File Sharing Overview](#) (Cornell)
- » [File-sharing and Copyright Law](#) (Stanford)
- » [Illegal file-sharing](#)(Yale)
- » [Electronic Frontier Foundation's](#) advice on [how to avoid being sued](#)

References:

EDUCAUSE. (2014). Higher Education Opportunity Act (HEOA). Retrieved from

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

Legal-dictionary. (2014). Copyright Infringement. Retrieved from

<http://legal-dictionary.thefreedictionary.com/>

Revision History:

Date	Revision#	Modification	Approved Date
1/22/2014		Original Draft for ISC review	1/22/2014
4/9/2014	2	Title Change to read as "Information Regarding the Use, Distribution, and Sharing of Copyrighted Works". Also on the 2 nd page removed "the likeness of" and inserted "derivative work based on"; in the 2 nd paragraph, modified	

		“excluded” to be read as “exclude”.	
4/9/2014		GIT Approved	4/9/2014
		Cabinet Reviewed	