

# Copyright Infringement Notification

## U.S. Copyright Act and the Digital Millennium Copyright Act of 1998

Notre Dame College complies with the provisions of the Digital Millennium Copyright Act of 1998 (DMCA). It is illegal, as described in the Federal law (U.S. Copyright Act, Title 17 of the US Code, and more recently the Digital Millennium Copyright Act, 105 PL 304), to download, upload, or distribute in any fashion, copyrighted material, in any form without permission or a license to do so from the copyright holder. Notre Dame College neither condones nor supports in any way the use of copyrighted material in ways in which it was not intended.

## Designation of Agent to Receive Notification of Claimed Infringement

This is to notify copyright owners that Notre Dame College's agent to receive statutory notices about infringements under the Digital Millennium Copyright Act is Brian Johnston, Chief Communications Officer, Notre Dame College.

Any copyright owner wishing to send a statutory notice to Note Dame College should file that notice in writing with Mr. Johnston.

**Address:** ATTN: Brian Johnston, Notre Dame College, 4545 College Road, South Euclid, OH 44121

**E-mail Address:** [bjohnston@ndc.edu](mailto:bjohnston@ndc.edu)

**Telephone:** 216-373-5252

**Facsimile:** 216-916-4183

The Copyright Office notice regarding current Regulations is available [here](#) as well as [section 512\(c\)\(2\)](#) of Title 17 of the US Code .

## 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 of 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 attorney’s 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](http://www.copyright.gov)).

### **Unauthorized Peer-to-Peer File Sharing**

Peer-to-Peer (P2P) file sharing applications allow users to download and share electronic files of all types and to use any computer as a server for file sharing requests. Currently, some of the more common files shared in this fashion are audio files (e.g., mp3, wav, midi), video files (e.g., QuickTime, jpeg, mpeg, avi), and picture files (e.g., gif, jpeg). When computers are set up in a peer-to-peer model, the computers become connected as peers, and files on each system are subject to access by the other systems. When a College computer is set up for peer-to-peer operations with an outside computer, the College computer is sharing its files, and in some cases its entire hard drive. In most cases, the same computer has also agreed to accept files from an outside computer. Conversely, the outside system could copy individual files from the College’s computer’s shared drive, to the outside server, resulting in the potential for inadvertent disclosure of sensitive information.

Downloading pirated software, music, videos, or other copyrighted material is illegal. Notre Dame College reserves the right to monitor network traffic for illegal activity. Occasionally, copyright holders may file complaints with Notre Dame College about illegal peer-to-peer file sharing that takes place from the campus network. These complaints are investigated by Information Technology and, where appropriate, referred to the Dean of Students. Any student found sharing or distributing copyrighted material will face disciplinary action and may be subject to censure, probation, suspension, or dismissal. The level of disciplinary action will be based on the seriousness of the situation. Any personally-owned device found to contain pirated content may be ineligible for IT support and/or service.

Upon discovery of an apparent violation of this policy by an employee, the Director of Information Technologies will then notify the user to immediately cease the prohibited activity and delete files that violate this policy. In the event that a user fails to comply with the Director

of Information Technologies' notice or violates this policy one or more additional times, the Director of Information Technologies will refer the matter to the Department of Human Resources for appropriate action.

The Dean of Students and the Director of Information Technologies shall periodically (1) review the effectiveness of this policy; and (2) review the legal alternatives for downloading or otherwise acquiring copyrighted material and make the results of the review available to its students through the Notre Dame College website and Student Handbook.

### **Legal Alternatives for Downloading Copyrighted Material**

Notre Dame College allows use of the Internet with a full appreciation of individual rights and academic freedoms, provided this usage is in compliance to all laws and University policies governing the downloading and sharing of copyrighted material. As alternatives to illegal downloading, there are several legitimate download services available for use. The list of legitimate media services includes the following:

- Amazon
- Apple iTunes
- Hulu
- Groove Shark
- ShoutCast
- LastFM
- QTRAX
- IMEEM
- Pandora
- Netflix