

TITLE:       **COPYRIGHT INFRINGEMENT & PEER-TO-PEER NETWORK  
SHARING**

### **What is copyright?**

Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following .... (Information from U.S. Copyright Office website)

For more information about Copyright see:

COPYRIGHT BASICS from the U.S. Copyright Office at the Library of Congress. The U.S. Copyright office provides all copyright forms for applying for a copyright, circulars and factsheets for information about copyrights and the process, and reports or studies or reports about copyrights.

Copyright & Intellectual Property Policies by the Association of Research Libraries

### **Copyright Policy for Gogebic Community College**

#### Excerpts or Photocopies Included in an Original Work of Authorship

- Inclusions in an original work of authorship should be kept to less than 500 words or 5% of the quoted work, whichever is less. (This limit applies to the sum of the quotes from a single work.) For anything longer, the College encourages the author to seek permission.
- All excerpts, quotations, photocopy inclusions, etc. Should have the source clearly identified.
- Charts, graphs, etc. will be judged on a case by case basis considering the purpose and character of the use and the nature of the original work. In general, including one chart from each work or periodical would be acceptable.
- Excerpts with copyright permission are welcome. A copy of the written permission from the copyright holder must be placed on file with the College.
- Cartoon strips are protected under the copyright law.

#### Getting Permission

- Call the copyright holder for permission. Be prepared with:
  - ✓ The name of your organization, Gogebic Community College.
  - ✓ Book title.
  - ✓ The extent of the exact excerpt, (e.g. “Book ‘Y’, pages 201-203, beginning with paragraph 2, ending with paragraph 4.”)
  - ✓ How large is the work it will be included in.
  - ✓ The number of copies that are going to be made.

- ✓ The exact use of these copies.
  - ✓ Is this excerpt/article going to be reprinted as it was originally published or will it be edited? If it will be edited, what is going to be changed?
  - ✓ The College will be charging the cost of reproduction and a small handling fee.
- If a written request is necessary, fax it if possible. Most publishers will allow faxed requests for copy permission. This will expedite the request.
  - Be sure the copyright holder sends written permission. Verbal agreements are not sufficient.
  - Please be aware that some works have multiple copyright holders. If this is the case, you must obtain permission from all parties.

### Library

- The Library will not make copies of works in its holdings in order to place multiple copies on its reserve shelf. Single originals or copies through inter-library loan may be put on reserve.
- The Library will not put on reserve copies made by another party without the permission of the copyright holder.

### Requiring students to make copies

- A student cannot be required to make copies by a faculty member. Conducting a class as if the students have all made copies of “suggested” materials violates the spirit of this policy.

### Performance

- Making a copy of copyrighted performance material is an infringement.

### Public Domain

- Some older works are no longer under copyright protection. Also, some current works have not claimed copyright protection. Remember, you must still give proper credit to the source.
- Please be aware, however, that older works may have been revised and updated. The publisher and/or editor will usually claim copyright protection in the revised work. The changes included in the revised works are protected by copyright.

### “Spur-of-the-Moment” Handouts for Class

- An instructor may make multiple copies of material for classroom use if the Guidelines of Brevity, Spontaneity and Cumulative Effect are followed.

### *Brevity*

- ✓ Prose: (a) Either a complete story or essay of less than 2500 words, or (b) and excerpt from any prose work of not more than 1000 words or 10% of the work, whichever is less.
- ✓ Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue.

### *Spontaneity*

- ✓ The copying is at the inspiration and insistence of the the individual teacher, and
- ✓ The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

### *Cumulative Effect*

- ✓ Not more than one short work or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical during one class term.
- ✓ There shall not be more than nine instances of such multiple copying for one course during one class term.

### *Prohibitions*

- ✓ Copying shall not be used to replace or to substitute for anthologies, compilations or collective works.
- ✓ There shall be no copying of works intended to be consumable in the course of the study or of teaching.
- ✓ Copying shall not:
  - substitute for the purchase of books, publisher's reprints or periodicals;
  - be directed by a higher authority; or
  - be repeated with respect to the same item by the same teacher from term to term.

It is the faculty member's responsibility to police his or her own work with regard to this policy, and when necessary, to pursue permission from the copyright holder.

### **Why is illegal file-sharing an issue?**

GCC strongly supports copyright law and other protections for intellectual property rights. We are actively promoting awareness about copyright. Any sharing or distribution of copyrighted material on the college network or equipment is a breach of the Acceptable Use Policy for Information Technology, and can lead to disciplinary proceedings and legal action.

One of the policies of the Higher Education Act requires institutions to develop plans for giving students legal ways to download music and movies and to explore technologies to stop illegal peer-to-peer file sharing.

### **What is Peer-to-Peer (P2P)?**

Peer-to-Peer file sharing is a technology that allows computer users to download files from each other using the Internet.

In a peer-to-peer relationship, each computer acts simultaneously as a client and server. P2P users store files on their computers and the P2P application enables other users to download those files onto their computers.

Examples of P2P applications include BitTorrent, KaZza, Limewire, and BearShare.

See also Wikipedia article on Peer-to-peer: <http://en.wikipedia.org/wiki/Peer-to-peer>

### **What are the dangers of using P2P?**

Copyright infringement – P2P technology makes it possible to illegally share files that are copyrighted. Federal law prohibits the reproduction, distribution, public display or public performance of copyrighted materials over the Internet without permission of the copyright holder. Gogebic Community College complies with the federal Digital Millennium Copyright Act of 1998 and has the measures in place for tracking alleged incidents of copyright infringement.

Malicious software – P2P is also used by attackers to transmit malicious code such as spyware, malware, or viruses into the files.

Identity theft – Exposure of personal information is also possible when using P2P. P2P users may leave themselves wide open to identify theft by misconfiguring their computer settings.

### **How do I ensure I'm in compliance with the law?**

Don't install P2P applications on your computer. If you download or distribute copyrighted material, even unknowingly, you may be faced with campus disciplinary or legal action.

Secure your wireless router. You can be held responsible for any illegal activity, even unknowingly, that occurs on your unsecured router.

### **What are the consequences if I get caught?**

Gogebic Community College receives notices from RIAA, DMCA and other content owners that copyrighted material has been infringed by a user on the college network. Once the user is verified, the user is forwarded a copy of the notice and is ordered to cease and desist any illegal activity.

If a subpoena is issued by the RIAA, by law, GCC is required to provide the identity of alleged infringers. You then risk further legal action.

Offenders will be referred to the Vice President of Student Services. Depending on the severity of the offense, disciplinary action can range from termination of GCC network privileges to expulsion from the college.

Additionally, there may be Civil and Criminal Penalties for Violation of Federal Copyright Law. See below for information:

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

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