

ELECTRONIC FILE SHARING POLICY

A purpose of copyright law is to encourage creative work, by giving creators exclusive rights to distribute their own work. The College expects all network users to comply with copyright law and the Digital Millennium Copyright Act (DMCA). At an institution devoted to the making of art and craft, we should be especially mindful of copyright issues. You would wish to protect the value of your own copyrights and the income associated with the distribution of your work, and so do the musicians, filmmakers, and other fellow artists whose work is being traded over the Internet without compensation. The College wants you to be aware that sharing music, videos, software and other copyrighted materials using Peer-to-Peer (P2P) applications over the network exposes both you and those with whom you share files to legal action, as well as sanctions under OCAC's policy.

Please do not put yourself, your friends, and OCAC in the awkward position of having to confront such issues. We trust that you will take the matter seriously and conduct yourself responsibly.

Peer-to-Peer (P2P) Software – what is it?

File-sharing software allows you to search the Internet for music files (MP3) and download them to your computer. Music file-sharing applications such as KaZaA, Grokster, Morpheus, Gnutella, etc., are network-based programs that allow users to download and distribute music files from computer to computer across networks using P2P protocols.

Copyright Law

Copyright infringement occurs whenever you take or distribute songs, videos, software, cartoons, photographs, stories, and novels – without authorization from the copyright owner. Infringement can also occur when one person purchases an authorized copy, but allows others to reproduce additional “pirated” copies. When using a computer network to share copyrighted materials with others, both the people making copies (downloading) and those offering such materials to others (serving) via a P2P network, are infringing upon copyright owners' rights and violating federal and international copyright law. OCAC prohibits any infringement of intellectual property rights by any member of the College community. It is OCAC's policy that a student who reproduces or distributes copyrighted materials in electronic form without permission from the material's owner will be removed or restricted from the OCAC computer network, and may face further disciplinary or legal action. Students must remove the programs and files that are in violation of the copyright from their computer and sign a contract stating that the offending files have been removed, and there will be no further copyright violations. Furthermore, if OCAC incurs any expenses because a student's actions are in violation of the law and school policies, the College will seek compensation from the student. Students who have infringed may also be held liable for substantial damages and attorneys fees since the law entitles a plaintiff to seek statutory damages of \$150,000 for each act of willful infringement. Copyright infringement also carries criminal penalties depending on the number and value of the products exchanged. Under the federal No Electronic Theft Act penalties for a first offense may be up to three years in prison and a fine of \$250,000.

Peer-to-Peer Software – Potential Problems

Prosecutors are currently targeting individuals who have in their possession a sizable

number of these copyrighted materials and/or are offering them to others and copyright owners have stated they are targeting university and college networks since this is where the highest amount of P2P file sharing is occurring. Students who engage in this type of activity are at risk of being identified by both federal investigators and copyright owners.

The use of file-sharing software exposes your computer to significant security risks that could lead to possible loss of data, identity theft and other potential liabilities. Although it is an appropriate use of peer-to-peer resources to share your own personal work with others you should be aware that such sharing could result in using more than your share of network bandwidth, which may result in disconnection from the network. Once your work or images of your work have been distributed they can potentially be used without your permission.

College Actions

If OCAC is notified of a violation, the College is legally required to address it. OCAC takes these actions because we are required to do so by law, and because the student could also be subjected to civil liability and criminal prosecution. The law requires service providers to deny network access to "repeat infringers." OCAC's network staff is responsible for ensuring that the network is available for educational and administrative use. Music file-sharing services may cause a significant reduction in OCAC's network performance, to the extent that they disrupt the educational uses for which the network is intended. To carry out their responsibilities network staff not only cooperate with the authorities when there is illegal activity, but also monitor use of the network and disconnect or restrict users whose bandwidth usage infringes upon other users ability to access network resources. Students are encouraged to purchase music legally through one of the plentiful internet based music retailers or utilize online radio providers.