

VII. Definitions

Copyright

Under federal copyright law, copyright protection covers original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device (17 U.S.C. § 102). Copyright exists from the moment of creation of the work. Copyright protects the expression of an idea, but not an idea itself. Works of authorship include the following categories:

- a. literary works, such as books, journal articles, text books, laboratory manuals, lectures, computer programs, monographs, glossaries, bibliographies, study guides, syllabi, work papers, unpublished scripts, lectures, and programmed instruction materials;
- b. musical works, including any accompanying words;
- c. dramatic works, including any accompanying music, live video and audio broadcasts;
- d. pantomimes and choreographic works;
- e. pictorial, graphic, and sculptural works, including works of fine, graphic, and applied art, photographs, prints, slides, charts, transparencies and other visual aids;
- f. motion pictures and other audiovisual works, such as films, videotapes, videodiscs and multimedia works;
- g. sound recordings, such as audiotapes, audio cassettes, phonorecords and compact discs; and
- h. architectural works.

File Sharing

The practice of distributing or providing access to digitally stored information, such as computer programs, multi-media (audio, video), documents, or electronic books. It may be implemented through a variety of storage, transmission, and distribution models and common methods of file sharing incorporate manual sharing using removable media, centralized computer file server installations on computer networks, World Wide Web-based hyperlinked documents, and the use of distributed peer-to-peer (P2P) networking.

Peer-to-Peer (P2P)

P2P technology enables millions of computer users around the world to find and trade digital files with each other. By using a P2P computer program, a user can scan the hard drives of millions of people and instantly acquire (download) content with the click of a mouse. At the same time, that user can enable the millions of people on the P2P network to

and software. From a legal standpoint, this activity violates copyright holders' exclusive rights to copy and distribute their works.

VIII. Responsibilities (required)

As an academic institution, The University of Scranton respects creative expression and academic research. However, both academic and recreational accessing of information must follow all copyright regulations, including Article 1 of the U.S. Constitution and Title 17 of the United States Code (otherwise known as the Copyright Act), the Digital Millennium Copyright Act (DMCA), and the University of Scranton's Copyright Policy. If copyright infringement is found to have occurred through technological means, enforcement of the DMCA does not require the finding of any evidence of intent in order to find liability. Colleges and universities can be subpoenaed to identify infringers within their networks. The University of Scranton will comply with any court ordered requests it may receive.

Notes:

1. Individuals using The University of Scranton network must comply with all copyright laws and policies when accessing or downloading copyrighted content.
2. If and when a copyright infringement notice is received by The University of Scranton, the University will follow the disciplinary procedures outlined in this policy (See: *Procedures, section IX*).

IX. Procedures

In order to curb illegal downloading activity at the University, and protect our networks, a number of firewalling, network security, and bandwidth management policies have been implemented by the University. The purpose of these policies is to limit or block traffic which can negatively affect the network, giving priority to that traffic which supports the attainment of the University mission. Steps to educate users within our network about the nature of peer-to-peer file sharing violations and other copyright infringement activities will form a central part of the enforcement of this policy. These procedures will be reviewed and modified in accordance with changing legislation.

Individuals who are in violation of copyright law will be subject to disciplinary action, which may include written warnings and suspension of network access. If violations are discovered within our networks, the University will take steps to investigate the activity, provide education regarding the offense, and impose sanctions on network activity, if warranted. Violations will be dealt with under the tenets of the University's Acceptable Use of Information Technology Resources Policy, Student Code of Conduct and/or Academic Code of Honesty, as applicable.

When the University receives a notice of claimed copyright infringement, which includes relevant information necessary to verify and process the claim, the notice is processed through the University's DMCA response protocol, which follows:

*Digital Millennium Copyright Act (DMCA)
Copyright Violation Notice Response Protocol*

In the event that the University of Scranton receives a valid DMCA violation notice regarding a University-owned IP address that is allocated to a valid client network, the following response protocol is followed:

General Procedures:

1. The IP address and time stamp listed in the DMCA notice is compared against University system logs in order to identify:
 - a. The potential validity of the claim, based solely upon network traffic audit logs.
 - b. The device that was utilizing the indicated IP address at the specified time

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- A.) In addition to the general procedures defined above, the following procedure will be followed for University Guests:
1. If the accused is a University guest attending a conference or event through University Conference Services, the Information Security Office will:
 - a. Notify University Conference Services of the complaint and obtain the contact information for the conference or event chaperon(s).
 - b. Electronically forward the notice to the chaperon(s), including the network account of the accused (if known) and the nature of the complaint.
 - c. Inform the conference or event chaperon(s) that the identity of the accused has not been disclosed to the complainant and that this information would have to be subpoenaed in order to be released.
 - d. Suspend the accused's network access for the duration of their conference or event.
 2. For all other University Guests

X. Appendix

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 or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (*17 U.S.C. §106*). 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