

Copyright Infringement

This notice concerns the use of copyrighted materials, peer-to-peer networks, and fair use on Tennessee Tech's computing networks and in Tennessee Tech facilities. It includes information regarding the consequences of illegally uploading, downloading, and sharing music and movies. This notice contains basic information to help with understanding the differences between legal and illegal file sharing.

Understanding Copyright Infringement

Copyright infringement occurs whenever someone makes a copy of any copyrighted works, such as songs, videos, software, cartoons, photographs, stories, or novels, without the owner's permission (i.e., a license) or without falling within specific exceptions as provided for under copyright law. Those who use Tennessee Tech resources to access, download, upload, or otherwise share copyrighted materials without permission, without making a fair use statement, or without falling under a specific exception have likely violated copyright law.

Risks of Illegal File Sharing Including Peer-to-Peer (P2P)

U.S. law treats the unauthorized uploading, downloading, or sharing and distribution of copyrighted material as a serious offense subject to criminal penalties and civil damages to the owner. In addition, any Tennessee Tech network account holder who infringes copyright laws risks the loss of access to Tennessee Tech network and disciplinary action by the University.

In recent years, copyright holders and trade associations - especially the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA) - have aggressively pursued copyright holders' rights, particularly in regards to higher education.

In the context of P2P file-sharing, infringement may occur when one person purchases an authorized copy and then uploads to a P2P network or when one person purchases a CD, creates an MP3 or other digital copy, and then uses a P2P network to share that digital copy with others. Both the

individual who makes the file available and those making copies may be found to have infringed the rights of the copyright owner(s) and may be violating federal copyright law. All of the major recording labels consider sharing MP3 files of their music over P2P networks as copyright infringement.

Tennessee Tech Policies and Copyright Infringement

A Tennessee Tech network account holder is responsible for all activity that transpires through the account and all electronic communication devices registered on the network by the holder.

Sharing copies of copyrighted music, videos, movies, and games without authorization is considered a violation of Tennessee Tech Policy 801, Information Technology Acceptable Use. Any Student who violates this policy is subject to the disciplinary sanctions set forth in Tennessee Tech Policy 302, Student Discipline, up to and including expulsion. Any Employee who violates this policy is subject to the disciplinary sanction set forth in Tennessee Tech Policy 650, Disciplinary Action, up to and including termination. These policies can be found on Policy Central on the Tennessee Tech website at <https://tntech.policytech.com/?auto=false>

Civil and Criminal Penalties for Copyright 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 attorneys' fees. 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 regarding copyright infringement see www.copyright.gov or contact the Tennessee Tech Office of Compliance, (931) 372-6062, compliance@tntech.edu .