

# **Policy: Peer-to-Peer (P2P) File Sharing**

## **Appendix B**

### **Frequently Asked Questions**

#### **Q. What's the difference between uploading and downloading?**

A. Uploading and downloading are two terms used in computing to refer to data transfer. In brief, files are considered uploaded when they are transferred from a computer to a central server or the Internet. Files are downloaded when they are transferred from a server or the Internet to a smaller peripheral unit, such as a laptop or cell phone.

#### **Q. Is it lawful to upload?**

A. It's perfectly lawful to upload your own original work. But uploading material that is copyrighted by someone else without permission is not. Unfortunately, your file-sharing software does not discriminate between content that is copyrighted and content that is not. It is lawful to download material that you've either purchased or obtained written permission to use.

#### **Q. How can I be uploading without knowing it?**

A. There are a number of ways. Here are a few:

- Many P2P applications come configured to upload, so if you do not specifically reconfigure the application to prevent uploading, you may upload unwittingly.
- In some cases, these applications resume uploading automatically when you update the software. Several other resetting mechanisms exist that can cause uploading without your knowledge.
- Some students reported that someone who used their computer installed the P2P software without telling them.
- Still others succumbed to music downloading scams, where they believed they were paying for a legitimate service that instead turned their computers into file-sharing servers.

#### **Q. How can I upload lawfully?**

A. Upload only material you have created or for which you have written permission to use.

#### **Q. Is there a way to download digital works lawfully?**

A. Many companies sell electronic access to digital works, and you can purchase works through these vendors. There are also works in the public domain that are lawful for you to download. But you must still be careful to avoid unintentionally downloading unlawfully.

**Q. Is it safe to use these companies?**

A. Many of these companies are perfectly safe. Unfortunately, some of them appear to be operating lawfully, but are not. Carefully research the company before you use its services.

**Q. If I turn off uploading in my P2P program, have I eliminated the risk?**

A. No, it's not that simple. Some P2P applications can be reset to upload without your noticing it.

**Q. If I follow the recommendations from the Student Computing Support Staff (located in Addlestone Library), am I assured of using my computer safely?**

A. Any time you have P2P file-sharing software on your computer, you are taking a risk, either of doing something unlawful, or of exposing your computer and the College's networks to viruses and malware. The College's recommendations educate you, but they do not guarantee your safety. Ultimately, you are responsible for your use of P2P technology.

**Q. Is it a violation of College policy to have P2P software on my computer?**

A. No. There are many lawful and legitimate uses for P2P technology. But how you use the software may violate college policy or the law.

**Q. Is it a violation of College policy to upload and download?**

A. No. There are many lawful and legitimate uses for uploading and downloading using P2P technology. But it is how and what you upload and download that may violate College policy or the law.

**Q. If my use of P2P software on my computer is legitimate and lawful, how can I avoid the risks?**

A. If you use it, by definition, you are taking some risk. To mitigate the risk, you should understand how the technology works, monitor your use carefully, and learn about the laws and policies that govern its use. You can find the basics about federal law and the College's Peer-to-Peer File Sharing Policy here <http://www.cofc.edu/policies/p2p/index.php>

**Q. Why does the College care about unlawful downloading of copyrighted material?**

A. It is a violation of College policy to engage in copyright infringement, including using P2P software to download copyrighted works.

**Q. Will the College be required to share any collected information with the Recording Industry Association of America (RIAA) ?**

A. Ordinarily, no. But the RIAA has filed and continues to file lawsuits against people it alleges have infringed the copyrights of its members. As part of their lawsuits and pursuant to a valid subpoena, the College can be compelled to produce information about individual users.

**Q. Will I be in trouble with the College if it is alerted that I have illegally downloaded copyrighted works more than once?**

A. Very likely. Our intention is to respond educationally after the first documented improper download. Should you be directly connected to subsequent illegal downloads your computing privileges can be suspended and a disciplinary case opened. Be careful that your activities do not lead to unpleasant and possibly costly consequences.

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