

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

Appendix A

(SAMPLE) Annual Notice

All members of the College of Charleston community are required to follow the College Policy on Peer-to-Peer File Sharing. This Policy covers all electronic means to transmit, disseminate or store copyrighted materials including e-mail, web pages, and peer-to-peer file sharing software. The Policy also applies to all computers and applications utilizing the College network. Please be sure that you have rights for any material you are making available or sharing on the College network.

The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject you to disciplinary action as well as civil and criminal liabilities. A detailed description of the College's policies concerning disciplinary actions for the unauthorized downloading and unauthorized distribution of copyrighted material is set forth in the Student Handbook. Students risk losing their computer access privileges due to multiple violations of the policy. With regard to faculty, a detailed description of the College's policies concerning disciplinary actions for the violating federal law is set forth in the Faculty and Administrative Manual (Section VII, B).

A summary of the current civil and criminal penalties for violation of federal copyright laws is as follows:

1. The infringer may be required to pay the actual dollar amount of damages in an amount equal to the profits gained from the infringement or, alternatively, pay what are termed "statutory damages". Statutory damages can range from \$750 to \$30,000 for each work infringed, unless the court finds that the infringement was willful. In such cases, the maximum penalty is increased to \$150,000.
2. The court may also award attorney fees and court costs, issue an injunction to stop the infringing acts and impound the illegal works.
3. The infringer can be sent to jail for up to 10 years.

Under the law, it is not necessary to establish that the infringer made a profit from the infringement in order to establish liability for the infringement. Therefore, liability can be imposed for common illegal peer to peer file sharing, for example the improper downloading of music and video files, even if the infringer has not gained a profit from the illegal activity. For Users who distribute any quantity of copyrighted materials, or advertise their services to Users even though they receive no financial benefit, they may also be subject to criminal investigations and incarceration.

The link for the full text of Chapter 5 of the Copyright Law of the United States of America. "Copyright Infringement and Penalties" can be found at <http://www.copyright.gov/title17/92chap5.html>