

Copyright Infringement and You

Introduction

As required by the Higher Education Opportunity Act of 2008, Blue Ridge CTC has put together these web pages to inform current and prospective students about copyright laws and the unauthorized distribution of copyrighted material, commonly referred to as illegal downloading or copyright infringement, and frequently facilitated via peer-to-peer file sharing networks.

Once per year, students will be given appropriate notice of this information via electronic mail at their Blue Ridge CTC email addresses. In each of the following sections, there is an easier-to-read summary followed by the exacting details. Please be sure you understand this information fully, and contact us if you have specific questions.

Civil and Criminal Penalties

Summary: You could owe as much as \$150,000 for each song or music download, and maybe end up in prison.

Unauthorized distribution of copyrighted materials, such as movies or music to which you do not own the copyrights and do not have permission to distribute, is against the law (Title 17 United States Code, Section 501 et seq.). The civil liability is either up to \$30,000 per incident or actual damages plus any profit you received from the copyright infringement. (In most cases, the plaintiff—the copyright holder—asks the court for the maximum statutory damages, as they are usually greater than the actual damages.) If the infringement is deemed to be willful, statutory damages are up to \$150,000 per incident.

An incident is a single instance of a movie or song track being downloaded. Therefore a full album of 15 songs represents 15 incidents for each time the album is downloaded. That works out to potentially \$450,000 per album for an inadvertent infringement, or \$2.25 million for willful infringement. If the infringement is deemed to be willful with intent to profit (you are in the counterfeit DVD business, for example), you may also be charged with a criminal offense and subject to up to ten years in Federal prison.

Institutional Disciplinary Actions

Students found to be violating peer-to-peer file sharing laws may be subject to disciplinary action.

First Offense: Verbal and written warning.

Second Offense: Revocation of student technology privileges.

Third Offense. Referred to Student Judicial Process.

Legal Alternatives

Many legal alternatives to copyright infringement exist. The Amazon Music Store, iTunes, Rhapsody, Hulu, Netflix, Last.fm, and YouTube are just a few of the places where you can download music or watch movies and television shows legally. Some are subscription services (e.g., Netflix), some are available at low cost (\$0.99/song at iTunes, for example), while others are free (Hulu and YouTube). Many artists, especially new and independent musicians, make sample songs available through their web sites.

If you own a music CD, you are permitted to copy ("rip") that music for playback on your personal computer or portable music player. You are not permitted to make a copy of that CD to give to someone else; that is unauthorized distribution— unless you are specifically granted such permission, such as through a Creative Commons license. If you own digital tracks (e.g., downloads from the Amazon Music Store), you are permitted to copy those tracks onto a CD for backup purposes. The same prohibition on distribution to others applies to digital tracks as well.