

Copyright Infringement Policy

Background

The Digital Millennium Copyright Act (DMCA), signed into law in 1998, recognizes that digital transmission of works adds complexity to the Copyright Law. The DMCA provides non-profit educational institutions with some protections if individual members of the community violate the law. However, for La Sierra University to maintain this protection, we must expeditiously take down or otherwise block access to infringing material whenever it is brought to our attention and whether or not the individual who is infringing has received notice.

In addition, the Higher Education Opportunity Act (HEOA) of 2008 requires all U.S. colleges and universities deal with unauthorized file sharing on campus networks, imposing three general requirements on:

- An annual disclosure to students describing copyright law and campus policies related to violating copyright law;
- A plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents"; and
- A plan to "offer alternatives to illegal downloading".

Sanctions for Copyright Infringement

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 (Title 17 of the United States Code). 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 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. For details, see Title 17, United States Code, Sections 504, 505. 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, please see the website of the U.S. Copyright Office at www.copyright.gov.

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Downloading or distributing any unauthorized version of a piece of copyrighted material is not allowed. Any faculty, staff, or student discovered downloading or distributing such material shall be referred to the appropriate body for disciplinary action. For students, this process is outlined

is an online mp3 radio source. It offers you a way to find new music that suits your taste. Simply enter any band, artist or song that you like into Pandora's search engine and it will setup a station featuring what you requested, as well as music that fits your parameters.

is not as sleek as Pandora, Slacker offers the same service. If you are looking for something new to groove to, Slacker should not be overlooked as a way to get you there.

is an online radio service that allows you to browse over 700 pages of online stations that are just waiting for you to tune in! You can find just about any genre of music on

Reference and Additional Information

- La Sierra University's Copyright Fair Use Guidelines: <http://lasierra.edu/copyright>
- "Reproduction of Copyrighted Works by Educators and Librarians," U.S. Copyright Office: <http://www.copyright.gov/circs/circ21.pdf>
- Copyright Advisory Office, Columbia University: <http://copyright.columbia.edu/>
- Blackboard Copyright Best Practices: <http://tinyurl.com/BlackboardCopyright>
- Hall Davidson's Copyright Resources: <http://tinyurl.com/HallDavidsonCopyright>

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