

Annual Disclosure: Copyright Infringement

Barton Community College is committed to the protection of copyrighted material and the appropriate and legal use of information technology resources. In accordance with the Higher Education Opportunity Act, Barton Community College provides this annual disclosure to students regarding legal and policy prohibitions on the unauthorized distribution of copyrighted materials.

Illegal Downloading is Strictly Prohibited

The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing is against the law and may subject students to civil and criminal liabilities. Peer-to-Peer (P2P) file sharing refers to the use of software that allows computer users to connect into a P2P network to search for shared files on the computers of other users ("peers") connected to the network.

Civil and Criminal Penalties for Violating Copyright Laws

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. Protected works may include (among other works) photographic images, music, movies, and television programs.

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 web site of the U.S. Copyright Office at www.copyright.gov, especially the Frequently Asked Questions section at www.copyright.gov/help/faq.

Summary of Barton Community College's Policies and Resources Regarding Unauthorized P2P File Sharing (The following items will be hyperlinked)

Barton Community College requires users of its computing and network resources to operate in accordance with copyright and licensing restrictions. Violations of College policies could lead to disciplinary actions up to and including expulsion.

While there are some legal uses of peer-to-peer file sharing programs, using these programs to download or upload copyrighted material without authorization is against federal law and Barton Community College policy. Under Barton Community College's policy, individuals who engage in unauthorized distribution of copyrighted material using Barton Community College's computer network will be subject to discipline, up to and including suspension and expulsion. Barton Community College monitors network traffic volumes and has systems in place to enforce this policy.

Related policies, procedures, and resources are located on the [Barton Copyright webpage](#).

A paper copy of this document is available upon request by contacting the Office of Financial Aid.