

## **Notice to students regarding the downloading and distribution of copyrighted material.**

Daytona State College does not monitor file sharing activities on its network. Institutions that protect the rights of the record companies and owners, such as the Recording Industry Association of America (RIAA) and Motion Picture Association of America (MPAA), the Business Software Alliance (BSA), and the Entertainment Software Association (ESA) among others, monitor illegal downloading, copying or sharing of music, videos, commercial software and computer games using file sharing programs across the Internet. When a copyright violation is discovered, copyright holders or their agents will report the alleged infringement to the Internet Service Provider (ISP) where the IP address is registered. The College is required to respond to complaints from copyright holders, and organizations representing copyright holders, regarding computers on campus that are illegally distributing copyrighted materials. Copyright holders or their agents will request that the College identify the owner of the machine associated with the reported IP address and relay the Takedown or DMCA Notice to the alleged copyright infringer and/or coordinate the removal of access to the infringing content.

Daytona State College could receive a number of notices related to the copyright infringement or be served with subpoenas from an agency representing the copyright holder. The following are the most common copyright infringement notices sent from organizations representing copyright holders:

### **Frequently Asked Questions**

#### **How do I know if something is copyrighted?**

Most music, videos, lyrics, books, TV shows, etc. are copyrighted. You would be better to assume that everything is copyrighted unless you know specifically otherwise.

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#### **What can happen to me if I violate copyright laws?**

Under copyright law, violators can be held liable for a minimum of \$750 per violation (each file is a single violation), so it costs the students thousands of dollars to settle the lawsuits out of court. A copyright violation is legally known as "strict liability", which means your knowledge or intent to perform an illegal act is not necessary for you to be liable. If the violations exceed \$2,500 in penalties, and if the RIAA or MPAA could prove you had actual intent to violate their copyrights, criminal sanctions could be pursued. Criminal sanctions for copyright violations carry a penalty of up to \$250,000 and the possibility of up to five years in prison.

## **What applications are used for illegal downloading?**

Gnutella, Limewire, Morpheus, BitTorrent, Ares, Aimster, Bearshare, Kazaa, Imesh and Napster are a few of the more common names from over the years. There are dozens and dozens of applications that fall into this category. Having LimeWire, KaZaA, Blubster, Grokster, BitTorrent, Gnutella, iMesh, CuteMX, Scour, FreeNetfile or any other music or movie file-sharing software on your computer opens the door to liability. While file-sharing software may itself be lawful, there is usually a copyright on the music, video or other files being shared. Unless the copyright owner gives explicit written permission, file sharing is a violation of copyright law.

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## **What about "fair use"?**

Fair use covers things like making a copy of a purchased CD for use in your MP3 player or car. It does not allow you to download music for free that you would normally have to purchase.

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## **Where can I find legal sites to download music and get more information?**

You can find a list of legal sites, more Frequently Asked Questions and additional resources at [www.campusdownloading.com](http://www.campusdownloading.com).

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