



Copyright Infringement Policies and Sanctions

What is a 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.

Criminal Penalties for Violation of Federal Copyright Laws

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.

Exclusive Property

All equipment, services and technologies provided to students as part of Indiana Wesleyan University's computer system constitute the exclusive property of Indiana Wesleyan University. Similarly, all information composed, transmitted, received or stored via the IWU computer system is also considered the property of Indiana Wesleyan University. As such, all stored information is subject to disclosure to management, law enforcement and other third parties, with or without notice to the student.

Student Responsibilities

Students are responsible for complying with copyright law and applicable licenses that apply to software, files, documents, messages and other material they wish to download, copy, or transmit. This includes peer-to-peer sharing of files and applications. Proprietary materials belonging to entities other than the student should not be stored or transmitted on the university's e-mail system or via the University's Internet connection. All students obtaining access to any material prepared or created by another company or individual must respect any attached copyrights and may not copy, retrieve, modify or forward such copyrighted materials, except with written permission of the lawful owner. Students receiving electronic files via the Indiana Wesleyan University e-mail system or Internet connection should ensure that the sender is the lawful owner or has obtained the necessary license or permission.

Policy Violation

IWU monitors and filters all internet activity and provides regular reports of internet use to the office of the Vice President for Student Development. Therefore, to avoid disciplinary or criminal consequences, students should be very careful to investigate any material obtained via the Internet to be sure it is legal before copying. Students found to be in violation of any part of the policy will be subject to disciplinary action up to and including dismissal from the University. Any known or suspected violations of copyright infringement should be reported immediately to the office of the Vice President for Student Development.

Plans to Effectively Combat Copyright Infringement

The University has network controls designed to block illegal file sharing. In the event a student is able to circumvent those controls and is discovered, the student's network access will be revoked until the Policy Remedies have been enforced.



Sources for additional information

IWU Library - <http://www2.indwes.edu/ocls/reference/copyright.htm>

US Copyright Office - www.copyright.gov, www.copyright.gov/help/faq

EDUCAUSE - <http://www.educause.edu/legalcontent> (Inclusion on this list does not constitute endorsement by the University. Some sites may be blocked for other reasons)

Helpful Guidelines

1. There are no specific number of words, lines, or notes that may safely be taken without permission.
2. Acknowledging the source of the copyrighted materials does not substitute for obtaining permission.