

## Copyright Information

### Source Federal Regulation

HEOA Sec. 488(a)(1)(E) amended HEA Sec. 485(a)(1) (20 U.S.C. 1092(a)(1)): added HEA Sec. 485(a)(1)(P); HEOA amendment effective August 14, 2008; October 29, 2009 FR notice (added 34 CFR 668.43(a)(10))

Institutions must annually make available to current and prospective students the institution's policies and sanctions related to copyright infringement, including

- a statement that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;
- a summary of the penalties for violation of federal copyright laws\*; and
- the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system.

\*The Department of Education will publish in the Federal Student Aid Handbook (see page 10) a summary of the civil and criminal penalties for violation of federal copyright laws.

### **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. All original material created by IWU students using IWU equipment is the exclusive property of that student unless the University specifically engaged the student to create that material. However, IWU reserves the right to disclose all stored information to IWU personnel and law enforcement, 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. 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's e-mail system or Internet connection should ensure that the sender is the lawful owner or has obtained the necessary license.

There are many avenues for legally accessing and downloading copyrighted material (see additional information links below).

### **Policy Remedies**

Individuals 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 this or any other university policy 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.

## 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.

## Sources for additional information

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

IWU Student Handbook - <http://www.indwes.edu/Life-at-IWU/>

US Copyright Office - [www.copyright.gov](http://www.copyright.gov), [www.copyright.gov/help/faq](http://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)

Any questions regarding this document may be directed to:

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