

COPYRIGHT AND COPYRIGHT INFRINGEMENT VIOLATIONS

All members of the Essex County College (ECC) community are bound by U.S. Copyright Law when using ECC computing resources. An important aspect of copyright law is the fair use doctrine which allows for limited reproduction of copyrighted works for various purposes such as criticism, comment, news reporting, teaching, scholarship, and research.

Copyright law does not permit the unauthorized distribution or sharing of copyrighted materials (e.g. music, movies, software, books, etc.) on computer networks. In particular, the illegal distribution of copyrighted materials via “peer to peer” file sharing techniques may subject users to criminal and civil penalties.

The Digital Millennium Copyright Act (DMCA), enacted in 1998, criminalizes distribution of technologies intended to circumvent measures that control access to copyrighted works. It also heightens penalties for copyright infringement on the Internet.

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.

Current 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 attorney’s fees. For details, see Title 17, United States Code, Sections 504 and 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.

Essex County College Policies on Copyright

ECC’s College Regulation 2-8 requires all users to abide by copyright and trademark laws relating to the use of computing resources. Users shall not copy, disclose, modify, or transfer copyrighted materials. Exceptions are only granted under the fair use doctrine referenced above.

ECC responds with haste to investigate all reported violations of copyright infringement through use of its computing resources. This includes reported violations of the Digital Millennium Copyright Act. Reported violations are investigated in conjunction with the Dean of Students Office and/or the Office of Human Resources.

Violation of these policies may result in a range of sanctions beginning with loss of certain computing privileges up to suspension or expulsion from the university for students and termination of employment for employees.