

# Digital Copyright Compliance



*Saint Meinrad*

Downloading, copying and sharing material, such as music, movies, games, and applications, for which the copyright holder has not given rights to the person downloading the material is both against the law and the Policy for Use of Information Technology of Saint Meinrad Archabbey.

The Higher Education Opportunity Act (HEOA), also referred to as H.R. 4137, was signed into law on August 14, 2008. The HEOA primarily addresses obstacles that make it difficult for qualified students to obtain a college education, but it also includes specific statements requiring colleges and universities to comply with digital copyright laws.

This law requires us to take the following steps to deter illegal downloading:

- 1) An annual disclosure to students describing copyright law and campus policies related to violating copyright law.
- 2) A plan to "combat effectively" copyright abuse on the campus network using a "variety of technology-based deterrents."
- 3) Provide access to and offer alternatives to illegal downloading.

For a comprehensive look at the HEOA Final Rule please visit: <http://edocket.access.gpo.gov/2009/pdf/E9-25373.pdf>

## Annual Disclosure

Saint Meinrad Archabbey uses the following methods to inform the community about the law and the institutional response to copyright infringement claims:

- 1) In order to use computing resources, everyone with a Saint Meinrad network account endorses a Policy for Use of Information Technology that includes a section on copyright compliance.
- 2) Beginning Spring 2011 and every semester thereafter, the Information Technology Department of Saint Meinrad Archabbey will send an email to all students and faculty regarding illegal downloading, copying and sharing of copyrighted materials.

## Technology Based Deterrents

Saint Meinrad Archabbey currently employs bandwidth-shaping technology to prioritize network traffic. We limit the amount of bandwidth available to peer-to-peer applications but we do not filter such applications since some of the traffic is legal.

## Offer alternatives to illegal file sharing

Clients of Saint Meinrad Archabbey's internet services have the opportunity everyday to borrow movies legally from the Archabbey Library.

Further, legal alternatives for downloading can be found at <http://www.educause.edu/legalcontent>.

## Copyright Violation Notice

The Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA) actively notifies Saint Meinrad Archabbey of devices on the network that are illegally offering and/or receiving copyrighted movies or music recordings for download through peer to peer applications. The Archabbey takes these reports very seriously and will take steps to address any infringing activity. Failure to take these actions can potentially result in liability for the Archabbey. Upon receiving RIAA/MPAA notification the following action will be taken:

Saint Meinrad Archabbey will use the information provided in the notification to identify the location and owner of the device in the complaint.

- 1) First notification will result in temporary termination of data network access for that device/owner. Once a verbal warning is issued (including explanation of consequences of a second notice) access will be restored.
- 2) Second notification will result in permanent termination of data network access for that device/owner.

In addition to any Saint Meinrad-imposed action, any student using his/her network access privileges to engage in the downloading, uploading, or other unauthorized distribution of copyrighted materials is potentially at risk of becoming the target of legal action for copyright infringement.

Thank you for your serious consideration of these matters.

Dave Gramelspacher  
Director of Information Technology  
Saint Meinrad Seminary & School of Theology

## Summary of Civil and Criminal Penalties for Violation of Federal 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.

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](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).