

Copyright Infringement

The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject students and individuals to civil and criminal liabilities. Almost all of the music, movies, television shows, software, games and images found on the Internet are protected by federal copyright law. The owner of the copyright in these works has the right to control their distribution, modification, reproduction, public display and public performance. It is generally illegal therefore to use file sharing networks to download and share copyrighted works without the copyright owner's permission unless "fair use" or another exemption under copyright law applies.

Fair use under the federal Copyright Act allows the use without permission of copyrighted material for the purpose of criticism, comment, news reporting or teaching under certain limited circumstances. There is no blanket exception from liability for students or employees of educational institutions, however, and whether the use of copyrighted material without permission falls within "fair use" or one of the other exceptions in the Act depends on a very detailed, case-by-case analysis of various factors. Students should be aware that sharing music, videos, software and other copyrighted materials is very likely not to be considered a "fair use" and therefore may be a violation of the law.

A violation of the institution's policy for use of its information technology system can result in termination of network access for the student and/or other disciplinary action including removal of the student from the institution. Moreover, there are severe civil and criminal penalties for copyright infringement under federal law. A copyright owner is entitled to recover actual damages and profits resulting from an infringement, but also may recover statutory damages ranging from \$750 to \$30,000 per work for a non-willful infringement and up to \$150,000 for a willful infringement, even if there is no proof of actual damages, in addition to court costs and reasonable attorneys' fees. The government also can file criminal charges that can result in fines and imprisonment.

South University's policies in regard to copyright infringement via the Internet prohibit the illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system. South University's policies prohibit use of the South University computer network to engage in illegal copying or distribution of copyrighted works such as by unauthorized peer-to-peer file sharing (i.e., the sharing of copyrighted works, typically in digital or electronic files, without permission).