


<b>Title:</b> Copyright and Peer-to-Peer File Sharing Policy	
<b>Written by:</b> Librarian	
<b>Date Initiated:</b> 4/2010	<b>Date Revised:</b> 4/2014; 3/2017; 2/2020; 2/2022; 3/2023
<b>Approved by:</b>  <div style="display: flex; justify-content: space-between; width: 100%;"> <div> Chancellor  Date </div> <div> 1/12/2016  Date </div> </div>	<b>Governing Board Approval:</b> <div style="display: flex; justify-content: space-between; width: 100%;"> <div> Chancellor  Date </div> <div> 1/12/2016  Date </div> </div>

### **PURPOSE**

To advise students, faculty & staff regarding compliance with federal copyright law ([Title 17, United States Code](#)). Copyright extends to multiple mediums and retrieval methods; users should be vigilant in their adherence to federal copyright law when utilizing works done by others in support of their research. The distribution of copyrighted material from any computer (including music, games, videos, etc., for which users do not have the owner's permission) is a violation.

### **POLICY AND PROCEDURE**

Trinity College of Nursing and Health Sciences network users are prohibited from distributing copyrighted materials through web pages, illegal downloading, email, or peer-to-peer distribution. This policy applies to both college-owned and personally-owned computers that have access to the College network.

Copyright is a form of protection of both published and unpublished works that is established by law for original works of authorship fixed in a tangible medium of expression (Title 17, United States Code). Works protected by copyright include (but are not limited to):

- Books
- Journal Articles
- Music
- Websites
- Software
- Videos
- Pictures
- Choreography

Copyright does NOT protect:

- Ideas
- Familiar symbols or designs (though may be protected by trademark laws)
- Titles, names, short phrases and slogans (though may be protected by trademark laws)
- Blank forms
- Works for which copyright has expired

Section 107 of the Copyright Law of the United States allows for the fair use of a copyrighted work for purposes such as teaching, scholarship, or research. Note: “fair use” provides guidelines rather than specific rules. To determine if your use of a copyrighted material would qualify for fair use, consider:

1. How will you use the copyrighted work, including for commercial or educational purposes?
2. What is the nature of the copyrighted work – what medium does it use, how did you access it?
3. How much of the copyrighted work are you using?
4. How will your use affect the potential market or value of the copyrighted work?

The College’s plan to combat unauthorized distribution of copyrighted material by users of College networks includes:

1. Utilizing technology-based deterrents
2. Educating the College community about appropriate and inappropriate use of copyrighted material
3. Providing consumer information to prospective and enrolled students
4. Procedures for handling unauthorized distribution of copyrighted material, including disciplinary action
5. Offering legal alternatives to illegal downloading or otherwise acquiring copyrighted material
6. Reviewing the effectiveness of the plan on an annual basis

For more information regarding fair use, items that might be covered, or with other questions, please contact the Health Sciences Librarian.

### **Statement of Penalties for Copyright Infringement**

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 filesharing 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 website of the U.S. Copyright Office at <https://copyright.gov>.

## REFERENCE

United States Copyright Office. (2022). *Copyright laws of the United States*.

<https://www.copyright.gov/title17/>