



Roger Williams University, including Roger Williams University School of Law ("University"), has developed this Copyright Infringement Policy for the University's Computer Network to effectively combat the unauthorized distribution of copyrighted materials by users of the University's network, without unduly interfering with educational and research use of the network.

## 1. Introduction

Copyright is legal protection of intellectual property, in whatever medium, that is provided for by the laws of the United States to the owners of copyright. Types of works that are covered by copyright laws include, but are not limited to, literary, dramatic, musical, artistic, film, and multi media works. Many people understand that printed works, such as books and magazines

the DMCA provides non profit institutions with some protections if individual members of the community violate the law. In order for the University to maintain this protection the University must expeditiously take down or block access to infringing material, whenever it is brought to the University's attention and the individual who is infringing has received notice.

It is important to note that the DMCA contains serious implications with respect to infringing works by faculty, graduate students, undergraduate students, or staff who are performing teaching or administrative functions if the University has received more than two notices of infringement against an individual within a three year period.

The unauthorized distribution of copyrighted material, including peer to peer file sharing, can expose an individual to civil and criminal liabilities. Copyright infringement is the act of exercising any right without permission or legal authority, one or more of the exclusive rights granted to the copyright owner by 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 infringement. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for copyright infringement may be ordered to pay either actual damages or "statutory" damages ranging from 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.

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

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Copyright is an issue of particular seriousness because technology makes it easy to copy and transmit protected works over the University's network. While the University encourages the free flow of ideas and provides resources such as the network to support this acti

the networks looking to see if any of the common music, movie, or software sharing programs are active on a port (e.g. KaZaA, Gnutella). The bot then asks the sharing program if it has a music title by a

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If students are found in violation a third time, their privileges to access the network from their personal computers will be denied for a full semester. If it is determined that a student did not violate a copyright, the network connection will be allowed. These subsequent infringements also will be reported to the Office of General Counsel, the Office of Student Conduct and Community Standards if the student is a Roger Williams University student, and the Dean of Students for the School of Law if the student is a Roger Williams University School of Law student, and will result in action taken within the University's disciplinary process. If the student tries to connect to the Internet from a University port that is assigned to someone else, through an open port in a classroom, or through the wireless service, further disciplinary action may take place. During the period when students cannot connect a personal computer to the network, students will be allowed to access the Internet only from University computers. Additional infringements will result in permanent loss of network privileges and/or referral of the student's name to the appropriate authorities for civil or criminal prosecution.

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Faculty and staff who are engaged in teaching and research functions are expected to understand and act in accordance with applicable copyright laws. The University is obligated to exercise greater responsibility to address instances of repeated infringing activity by these individuals. There are potentially serious implications for both the individual and the University if the University receives more