



TO: All Students
FROM: Vice President for Student Life
RE: Annual Disclosure Regarding Copyright

Manhattan College recognizes that there are legitimate uses for file sharing and does not want to block or limit those who need to collaborate with others. However, due to legislation outlined in the re-authorization of the Higher Education Opportunity Act (HEOA) that was signed into law in 2008 with an implementation date of July 1, 2010, Manhattan College is obligated to comply with the various aspects of the HEOA. The peer-to-peer, file-sharing and copyright stipulations are outlined below, followed by Manhattan College's actions in response to compliance:

Beware - The Penalties are Substantial!

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, at its discretion, also assess costs and attorneys' fees. 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. In summary, you could be liable for:

- \$750-\$30,000 for each copyrighted work (song, movie, game, etc.)
- \$750-\$150,000 for each copyrighted work for willful infringement
- Actual damages
- Criminal penalties

It's Real!

In March 2013, the U.S. Supreme Court turned down an appeal from a woman **ordered to pay \$222,000 for illegally downloading 24 songs** on the now defunct file sharing service Kazaa. In June 2013, an appeals court upheld a penalty of \$675,000 for sharing 30 songs in a case involving a college student who used Napster and LimeWire. Do the math – that ranges from **\$9,250 to \$22,500 per song!**

You Can't Hide

If presented with a lawful subpoena, the College may be required to disclose the names of those alleged to violate U.S. Copyright law using College systems.

If the College receives a notice that the IP address assigned to you has been identified as one that is distributing unauthorized copies of the copyrighted material (yes, they can track you by IP address), you will be temporarily barred from accessing the campus network from the residence halls and will be required to certify that you have removed all unauthorized material from your



computer before that privilege is restored. You will be referred to the Dean, who may also impose additional sanctions, especially for repeat offenders.

There Are Alternatives

When technology makes it easy to abuse the rights of others, it may be tempting to engage in such behavior. Resist the temptation and **use only legal downloading or streaming sites**. Many online sources now provide free and/or fee-based legal downloading or streaming as an alternative to illegal downloading. Legal options can be found at:

- <http://www.educause.edu/legalcontent>
- <http://www.whymusicmatters.com/>

Compliance

In addition to helping you avoid fines, penalties, and sanctions, this information is also provided to comply with the disclosures required under the Higher Education Opportunity Act (Public Law 110-315) and its regulations, including 34 CFR 668.41(c).

Manhattan College's [Responsible Use Policy](#) prohibits using College systems to violate U.S. laws, including, but not limited to, the U.S. Copyright Act. The unauthorized distribution of copyrighted material, such as through peer-to-peer (P2P) networks (e.g., *BitTorrent*), violates the College's Responsible Use policy and **may also subject students to civil and criminal penalties**. Abuse of telecommunications and copyright infringement is also a violation of the College's [Community Standards and Student Code of Conduct](#).