



TO: All Students  
FROM: Dean of Students

RE: Annual Disclosure Regarding Copyright

Manhattan College's [Responsible Use Policy](#) prohibits the use of 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*), is a violation of 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](#).

**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, 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. 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 who was **ordered to pay \$222,000 for illegally downloading 24 songs** on the now defunct file sharing service Kazaa. In June 2013, for a case involving a college student who used Napster and Limewire, an appeals court upheld a **penalty of \$675,000 for sharing 30 songs**. Do the math – that's a range of **\$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 be violating 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 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**. As an alternative to illegal downloading, there are now many online sources that provide for free and/or fee-based legal downloading or streaming. Legal alternatives 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 in order 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).