



Copyright Infringement Policy

COPYRIGHT INFRINGEMENT POLICY

Purpose

The Higher Education Opportunity Act (“HEOA”) requires that academic institutions make an annual disclosure to their students communicating information related to copyright infringement and unauthorized peer-to-peer (“P2P”) file sharing, as well as the institution’s policy pertaining to violations of copyright law. The purpose of this Policy is to inform the Regional Center for Border Health, Inc. community about copyright infringement, including illegal file sharing, and outline Regional Center for Border Health, Inc. actions to deter and combat violations of copyright law on the FCC network.

This Policy provides that each user of Regional Center for Border Health, Inc. network, including students, faculty, and staff, is responsible for using electronic materials in compliance with federal and state copyright laws, licensing restrictions, and the College’s policies regarding appropriate use of information technology.

Definitions

Copyright is the ownership and control of the intellectual property in original works of authorship which are subject to copyright law. Copyright law provides protections to creators of works against the unauthorized duplication and distribution of their works. 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).

Peer-to-Peer file-sharing applications enable users (“peers”) to connect directly to other users to share music, movies and other digital files. There are legitimate uses to this type of software. However, unauthorized downloading, sharing, or distribution of copyrighted works constitutes infringement, is illegal, and may result in civil and criminal penalties.

For more information regarding copyright law and related matters, please refer to Title 17 of the United States Code, available at www.copyright.gov/title17/index.html, and the website of the United States Copyright Office: www.copyright.gov

Regional Center for Border Health, Inc. Deterrents and Sanctions

Regional Center for Border Health, Inc. uses a range of technology-based deterrents to detect and prevent illegal sharing of copyrighted works on our network. The deterrents include various methods to shape bandwidth and filter unwanted traffic, including Intrusion Detection System.

In addition, the number of simultaneous traffic flows from our wireless networks is monitored and may be limited, if it is deemed necessary. When excessive use of the bandwidth is detected, the investigation may be further conducted to determine if the bandwidth consumption complies with the College’s policies and does not involve unauthorized file sharing of copyrighted content.

Furthermore, RCBH/CHC Information Technology Department staff is periodically trained to enhance awareness of possible copyright infringement issues and to monitor the network to ensure the user's compliance with RCBH/CHC Copyright Policy.

Regional Center for Border Health, Inc. may be legally obligated by the Digital Millennium Copyright Act of 1998 to respond to subpoenas for the identification of an alleged infringer from copyright owners.

The violators of copyright laws and this Policy may be subject to penalties that range from sanctions imposed by the RCBH/CHC to civil and criminal penalties, as per federal copyright laws.

The RCBH/CHC sanctions for copyright violations vary, depending on the nature of the violation, and may range from a formal warning to other sanctions including termination, as appropriate to the circumstances.

The RCBH/CHC Director of the Information Technology Department will undertake a periodic review to assure the effectiveness of our technical deterrents, as well as to assess the impact of our efforts to combat illegal file sharing on RCBH/CHC network.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

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.

Legal Alternatives

Students, faculty, and staff are encouraged to obtain digital materials in a legal manner from a variety of legitimate sources. There are numerous legal alternatives which offer legal access to digital files at little or no cost. Some of the sources include:

- iTunes
- Netflix
- Amazon.com
- Pandora.com
- EDUCAUSE provides a list of legal media sources available at:
<http://www.educause.edu/legalcontent>