

Copyright Infringement

Higher Education Opportunity Act

The Higher Education Opportunity Act (HEOA) requires higher education institutions to practice due diligence informing students about copyright infringement risks. All higher education institutions must:

- Provide an annual disclosure to all students. See DMCA Annual Student Notice below.
- Implement a plan to effectively combat on-campus network copyright abuse. See below.
- Offer alternatives to illegal downloading. See *Legal Alternatives for Online Music and Videos* below.

Compliance

Delaware Valley University's compliance with section 668.14 of the Higher Education Act of 2008, commonly known as the peer-to-peer provision, includes this documentation of the plans to address unauthorized distribution of copyrighted material by users of the institution's network.

Technological Deterrents

Delaware Valley University has developed a procedure to respond to Digital Millennium Copyright Act (DMCA) Notices. This response begins when the notice comes to the College through the advertised address of copyright_abuse@delval.edu. The DMCA agent for the university has observational purview of each notice.

The following actions will occur to fulfill the universities' responsibilities:

- The Delaware Valley University DMCA agent requests that Technology Services attempt to determine the responsible party via DHCP records if they are available.
- Block the computer or device to prevent further file sharing by the device alleged to be in violation of federal law.
- Provide the identity of the user or responsible party
- The DMCA agent then notifies the user or responsible party of the notice (via an electronic process) with appropriate instructions to cease and desist.

Offenses

- 1st Offense: The user will be told that copyright infringement is not acceptable and directed to the Delaware Valley University copyright infringement site for more information regarding the consequences associated with copyright infringement. The Office of Student Affairs will be notified.
- 2nd Offense: The responsible party will be disconnected from the network for 7 days. There will be a \$50 reconnection fee. The Office of Student Affairs will be notified.
- 3rd Offense: The responsible party will be disconnected from the network for 30 days. There will be a \$100 reconnection fee. The Office of Student Affairs will be notified and possible judicial proceedings will commence.

For employees, Technology Services will forward the DMCA notice, with the required staff response to the Office of Human Resources.

Copyright Monitoring

Delaware Valley University does not monitor its networks for content, but content owners aim their detection systems at campus networks, including Delaware Valley University's network, because it is an easy single location with high speed internet access with limited content oversight with a demographic group that is commonly associated with peer-to-peer file sharing.

In particular, content owners look for peer-to-peer filesharing programs violating copyrights by distributing music, movies, television, games, or software.

Infringement Consequences

Copyright infringement constitutes a violation of University policy and may create potential liability for both civil and criminal actions. The actions that Delaware Valley takes are described in the section "How does the College handle DMCA takedown notices?"

Please note that action on the part of the university as a matter of policy does not remedy or immunize a user against possible legal actions that the content owner, or in very serious cases involving large quantities of material possible criminal actions on the part of law enforcement. A content owner may bring an infringement claim against a user and by law is entitled to a minimum of \$750 for each infringement; if intent to infringe copyright is demonstrated, statutory damages may go as high as \$150,000 per infringement. Since 1997, the No Electronic Theft Act eliminated the requirement that the infringer make a profit from the infringement, thus creating liability specifically in the case of file sharing type of programs and their users. For users who distribute large quantities of copyrighted materials, or advertise their services to users even though they receive no financial benefit, they may be subject to criminal investigations and incarceration if proved guilty.

Ways to Comply

Do not install P2P filesharing software on your computer

By default, P2P applications will search for and share content on your computer with others. P2P applications usually run as soon as you turn on your computer and continue to run in the background. Even if you disable uploading, others using the same P2P network can see copyrighted content in a "shared" folder and many P2P programs may reset preferences to resume uploading.

The Recording Industry Association of America (RIAA) and other content owners use the same P2P software that file sharers do! Their aim is to catch file sharers sharing their protected content with others. If you are running a P2P program, chances are that the RIAA is running the same software. In fact, the person downloading a song from you may be working for the RIAA and may be compiling evidence against you. It has happened to thousands of P2P users, and it can happen to you.

Do not use the University network for file sharing

Content owners specifically target illegal file sharing on university and college networks. The RIAA employs aggressive legal strategies, such as forwarding the legal documents for alleged infringers and filing infringement lawsuits.

Use legal alternatives for online music and videos

Many legal alternatives exist to listen to and view music and videos. Take advantage of these legitimate options. Many of these alternatives are free or inexpensive, especially when you consider how much an infringement violation could cost.

Purchase software or use legitimate free or open-source software

While computer software can be costly, there are often many free, low cost or ad-supported alternatives available for commonly used software.

Relevant Links

[2018 DMCA Annual Student Notice](#)

Annual notice sent to students regarding copyright infringement

Filesharing Risks

Peer-to-Peer File Sharing

Peer-to-peer (P2P) filesharing technology allows users to make files available for other users to download and use. File sharers store files on their computers and the filesharing software enables other users to download the files onto their computers. Examples of P2P filesharing networks include BitTorrent, UTorrent, Gnutella, and LimeWire, among others.

P2P software is only actionable in both criminal and civil court if a court determines that it induces users to infringe copyright. Copyright may be infringed through the practice of copying and distributing protected work without permission of the owner. If you use P2P software to infringe copyright, you may receive notices of copyright infringement and or be subject to other legal action.

P2P File Sharing Can Violate University Policy

College Policy prohibits the use of the Delaware Valley University computer network to violate copyright law. Additionally, University policy forbids activity that threatens the security of the Delaware Valley University network and computing environment. P2P software can undermine network security and expose your computer to threats, such as viruses, malware, password and identity theft, spyware, and other threats that can incapacitate computers.

P2P File Sharing Can Infringe Copyright

Using P2P filesharing software that copies and distributes music, videos, software, games, or other copyrighted works without permission of the copyright holder is a violation of US copyright law. If you have P2P file-sharing applications installed on your computer, you may be sharing copyrighted works without even realizing it. Even if you do not intend to engage in infringing activity, installing P2P software on a computer can easily result in you unintentionally sharing files (copyrighted music or even sensitive documents) with other P2P users, and you may then be personally responsible for the legal and financial consequences.

Content owners, such as the recording industry, movie studios, game, and software companies specifically target unauthorized file sharing on university networks. Aggressive legal strategies have been used to address unauthorized file sharing, such as forwarding the University “early settlement letters” for alleged violations and filing infringement lawsuits. Suits have been filed against thousands of individuals using P2P software worldwide, and many college students have been among those threatened with lawsuits.

If you are unsure about the technical capabilities of a P2P program or its potential legal liabilities, contact Technology Services.

Legal Alternatives for Online Music, Videos and Software

Music

- [Last.FM](#)
- [Pandora](#)
- [Spotify](#)
- [iTunes Store](#)

Video

- [ABC](#)
- [CBS](#)
- [Fox](#)
- [NBC](#)
- [Hulu](#)
- [Netflix](#)
- [Amazon Video](#)

Software

- [Microsoft Office](#)

Microsoft has various solutions that may fit your budget.

- [Google Drive](#)

Google has a free online office suite.