

FAYETTEVILLE STATE UNIVERSITY

UNAUTHORIZED DISTRIBUTION OF COPYRIGHTED WORK (COPYRIGHT INFRINGEMENT)

Authority:	Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.
Category:	University-Wide
Applies to:	●Administrators ●Faculty ●Staff ●Students
History:	Revised – September 20, 2021 Approved – September 17, 2010 First Issued – September 20, 2010
Related Policies/ Regulations/Statutes:	●Copyright Use and Ownership Policy ●Use of Computer Resources ●Digital Millennium Copyright Act [Public Law 105-304] ●Copyright Law of the United States [17 U.S.C.S. §§ 101-1332]
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I. PURPOSE

Unauthorized distribution of copyrighted work, including downloading and peer-to-peer file sharing of such material, is a form of copyright infringement. Fayetteville State University (University) strictly prohibits copyright infringement. Any student, staff or faculty who engages in copyright infringement may be subject to civil and criminal liability and discipline by the University.

The purpose of this policy (Policy) is to provide administrators, faculty, staff, and students information regarding the unauthorized distribution of copyrighted works.

II. DEFINITIONS

A. Copyright Infringement

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 Law of the United States. These rights include the right to reproduce or distribute a copyrighted work.

B. Copyrighted Work

To be eligible for copyright protection, a work must be original and fixed in any tangible medium, including but not limited to paper, electronic or digital mediums, and be one of the following eight (8) categories of works:

- literary works, including books, research papers or computer software
- musical works, including any accompanying words
- dramatic works, including any accompanying music
- pantomimes and choreographic works
- pictorial, graphic and sculptural works
- motion pictures and other audiovisual works
- sound recordings
- architectural works

III. COMMON FORMS OF COPYRIGHT INFRINGEMENT

Some common forms of copyright infringement are listed below. The list is not all inclusive, but is intended to provide a few examples of copyright infringement.

- In the file-sharing context, downloading or uploading substantial parts of copyrighted work without authority constitutes an infringement. (The University computing network managers block access to most peer-to-peer file sharing applications and associated traffic.)
- An individual infringes on the University's copyright when the individual uses University copyrighted work in violation of the University's *Copyright Use and Ownership* policy.
- Duplication of a musical CD or other recorded media containing copyright material without permission of the copyright holder is considered copyright infringement.
- The unauthorized use of text content from a written work is a form of copyright infringement.

IV. PENALTIES AND DISCIPLINE

A. Civil Penalties

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 may, in its discretion, also assess court costs and attorneys' fees.

B. Criminal Penalties

Willful copyright infringement may also result in criminal penalties including imprisonment of up to five (5) years and fines of up to \$250,000 per offense.

Information pertaining to infringements and criminal penalties may be found on the website of the U.S. Copyright Office at www.copyright.gov and www.copyright.gov/help/faq.

C. University Disciplinary Action

Employees and students are expected to respect the intellectual property rights of others and refrain from copyright infringement. Employees and students who engage in any activity that infringes copyright-protected materials may be subject to disciplinary action. If such infringement involves the use of the University's computing network, such disciplinary action may include the termination or suspension of network privileges.