

I. INTRODUCTION

- A.** University faculty, staff, and students are required to comply with all U.S. copyright laws, including Title 17 U.S. Code, the United States Copyright Act, the Digital Millennium Copyright Act of 1998 (DMCA), and the Technology, Education, and Copyright Harmonization (TEACH) Act.
- B.** The Higher Education Opportunity Act (HEOA) requires institutions to take steps to combat the unauthorized distribution of copyrighted materials through illegal downloading or peer

unauthorized peer-to-peer file sharing, including actions that may be taken when a member of the University community (including students) is found responsible for engaging in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system;

4. implement technology-based deterrents to reduce the potential for illegal file sharing;
5. offer alternatives to illegal file sharing; and
6. periodically review the effectiveness of technology solutions to prevent illegal file sharing.

III. PROCESS OVERVIEW

A. The Copyright Act, Copyright Protection, and Copyright Infringement

1. The Copyright Act is a federal law that provides protection in the United States of copyright. Copyright infringement, which is a violation of the Copyright Act, generally occurs when an individual or entity reproduces, distributes, performs, publicly displays or creates a derivative work of a copyrighted work
2. Copyright protection arises in original works of authorship that are fixed in any tangible medium of expression (e.g., written or typed on paper, stored in a computer, recorded in an audio or video format). Works of authorship include the following categories: (1) literary works; (2) musical works, including any accompanying words; (3) dramatic works, including any accompanying music; (4) pantomimes and choreographic works; (5) pictorial, graphic, and sculptural works; (6) motion pictures and other audiovisual works; (7) sound recordings; and (8) architectural works.
3. Copyright infringement is a violation of law that carries substantial penalties for the infringer. An individual found liable for copyright infringement may be liable for actual damages and profits or statutory damages of no less than \$750

- B.** The University expects students, staff, and faculty to have a basic understanding of copyright law to comply with the law and this Policy. Various units at the University have developed informational materials on copyright law, including the Office of Teaching and Learning and the University Libraries (See Section V Resources below).
- C.** Students with questions about copyright law should consult their instructors or department chairs. Faculty with questions about copyright law should consult their department chairs or administrator(s) of their unit. Administrators with questions about copyright law should consult the Office of General Counsel.
- D.** Section 121 of the Copyright Act provides limitations on the exclusive rights of the copyright holder regarding the reproduction of copyrighted works for people with disabilities. Students, employees or third parties with disabilities or seeking assistance with those with disabilities may consult with [AccessibleDU: Student Disability Services](#) (students)
(ADA.Coordinator@du.edu) (employees and third parties).
- E.** HEOA Compliance File Sharing and Copyrighted Material
 - 1. Annual Notices and Disclosures: The University will issue an annual disclosure to members of the University community in compliance with the HEOA and DMCA.
 - 2. The Division of Information Technology conducts: (a) an annual security awareness campaign to remind the community of their on d y

practice of illegally sharing copyrighted material. Known vectors used to share files are blocked from the University network.

H. Alternative Resources For Sharing Copyrighted Material