

TO: Providence College Students

FROM: Donald J. Schattle II, Information Security Officer

SUBJECT: Copyright and File Sharing: An Important Message for Students in Compliance with the Federal Higher Education Opportunity Act of 2008 (“HEOA”)

DATE: March 8, 2018

Introduction

In response to lobbying efforts by the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (“MPAA”), Congress included provisions within the HEOA to prevent copyright infringement and peer-to-peer (“P2P”) file sharing. In compliance with these provisions, the purpose of this message is to inform students of their legal obligations related to copyright and relevant College’s policies, and of alternatives to illegal downloading. The College certifies to the U.S. Secretary of Education that it has developed plans to effectively combat the unauthorized distribution of copyrighted material.

As a college student, you are a prime target of the national crackdown on unlawful sharing of music files by the Recording Industry Association of America (RIAA). Hundreds of students across the country who are sued typically settle out of court for as much as \$3,000–4,000. Many students who use peer-to-peer (P2P) file sharing technology are unaware that they may be unlawfully transferring copyrighted works. These transfers are easily visible for detection on the Internet. Providence College does not condone unlawful peer-to-peer file sharing. The College’s goal is to help you be aware of what you are transferring so that you will not unwittingly violate someone else's copyright. The College encourages all students to take a few minutes to become educated about the appropriate use of P2P technologies (<https://about.providence.edu/fast-facts/copyright-p2p-sharing-requirements>).

Copyright Law and College Policy

Each student must comply with U.S. Copyright Law (links to the law and useful resources are available from the Philips Memorial Library website). Users of the College’s Information Technology resources bear the burden of compliance with the law.

The College’s Copyright Policy and Guidelines also are available via the Library:

<http://www.providence.edu/library/research/Pages/Copyright.aspx>. Penalties for policy violations may include forfeiture of access to the College’s technology network and other disciplinary action as provided in the Student Handbook.

Students who download or upload copyrighted material, including songs, videos, textbooks, games, or other types of creative files may be charged with serious criminal and civil penalties. In addition to being illegal, P2P or Torrent file sharing, is also a violation of the College’s Information Technology Acceptable Use Policy, which is available at: <https://information-technology.providence.edu/files/2018/02/acceptable-use-policy.pdf>.

Consequences for Violating the Law

If a copyright owner successfully prosecutes an infringer, the penalties are set at "not less than \$750 or more than \$30,000" per infringing work, i.e., each song or movie illegally copied or distributed. If the copyright owner can establish that the violation was "willful," the penalty can be \$150,000 per infringing work. (Please see US Code Title 17 Chapter 5 Section 504: <http://www.copyright.gov/title17/92chap5.html>. Monetary awards against infringers, at the Court's discretion, also can include reasonable attorney fees incurred by the copyright owner.

The No Electronic Theft Act establishes that penalties can be charged even if the infringer did not profit in any way from the violation. 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. (Please see http://en.wikipedia.org/wiki/NET_Act.)

Legal Sources of Music and Video

Providence College provides information on alternate acceptable means of acquiring media via the internet. Students may find a list of legal music sites at the RIAA home page: <https://www.riaa.com/resources-learning/music-services/>. Other legal sources of Online Content, compiled by Educause, can be viewed at: <http://www.educause.edu/legalcontent>.

Technology-based Deterrents

Providence College deploys bandwidth management technology at the campus network border. The College blocks common P2P protocols and applications to manage the impact these potentially aggressive protocols have on the performance of the campus network.

Unauthorized Distribution of Copyrighted Material

Copyright owners actively monitor file sharing networks. When they detect illegal activity, they issue a takedown notice to the Internet Service Provider (ISP); they also may issue a subpoena to the ISP for identifying information about persons they claim are engaging in illegal activity. As an ISP, Providence College is obligated by the Digital Millennium Copyright Act (DMCA) to respond to complaints and subpoenas received from copyright owners. When DMCA violations are received, our Information Security Officer (ISO) handles the college's initial response and is the officially registered point of contact for the DMCA. Escalation of these incidents is addressed by the Office of Community Standards.

The number and severity of alleged DMCA violations are reviewed annually by the Office of Information Security to determine whether changes in disciplinary procedures or educational materials are needed. Technical deterrents are reviewed annually by the Office of Information Security under the direction of the Information Security Officer to determine whether the technical deterrents remain effective in complying with HEOA regulations. New technology that becomes available is reviewed periodically for deployment by the College's Office of Information Security.