



O'More College of Design

Office of Information Resources

Copyright Infringement Policy

1. Purpose

This Policy describes the policy and procedures O'More College of Design follows in responding to notifications of alleged copyright infringements on the College network.

2. Policy Statement

Upon formal notification or due to detection, O'More College's Office of Information Resources will take all necessary means, including but not limited to temporary disconnection from internet access, to stop illegal sharing of copyrighted material on its network by identified users.

This is in accord with the Digital Millennium Copyright Act (DMCA), which provides non-profit educational institutions with some protections if individual members of the community violate the law. For O'More College to maintain this protection, it must expeditiously take down or otherwise block access to infringing material whenever it is brought to our attention.

3.1 Example of Activities Violating Federal Law

Following are some examples of copyright infringement that may be found in a college setting:

- Downloading and sharing MP3 files of music, videos, and games without permission of the copyright owner
- Using corporate logos without permission
- Placing an electronic copy of a standardized test on a department's web site without permission of the copyright owner
- Enhancing a departmental web site with music that is downloaded or artwork that is scanned from a book, all without attribution or permission of the copyright owners
- Scanning a photograph that has been published and using it without permission or attribution
- Placing a number of full-text articles on a course web page that is not password protected and allowing the web page to be accessible to anyone who can access the Internet
- Downloading licensed software from non-authorized sites without the permission of the copyright or license holder

- Making a movie file or a large segment of a movie available on a web site without permission of the copyright owner

3. Scope

This policy applies to those who use O'More's network to share files, including (but are not limited to) O'More faculty and visiting faculty, staff, students, guests or agents of the administration, external individuals and organizations accessing network services via O'More's computing facilities.

4. Procedures

Notices are sent to the Office of Information Resources from organizations that represent the artists and copyright holders. When O'More receives such a notice, IR staff look up the network IP address to identify the individual or responsible administrator. If it is possible to determine the responsible party, that person is notified that they must remove the infringing material from their computer and inform the Office of Information Resources once this has been done.

4.1 First-time Notifications

If this is the first notification that O'More has received on an individual and the infringing material has not been removed from the computer within five days action, a report about the copyright violation will be sent by Information Resources to the appropriate offices and/or individuals: for students, the Office of Student Affairs; for staff, their manager, and for faculty, to the department chair.

In addition, a staff member found violating this policy who did not remove the content in the allotted time must complete a form acknowledging that they have read and will abide by this policy.

4.2 Subsequent Notification Process for Students

If students are identified as having committed a second copyright infringement, the Office of Student Affairs will be notified and may take additional action appropriate to the College's disciplinary process. If students are notified of copyright infringement a third time, additional sanctions may be applied.

4.3 Subsequent Notification Process for Faculty and Staff

Faculty and staff who are engaged in teaching and research functions are expected to understand and act in accordance with applicable copyright laws. The College is obligated to exercise greater responsibility to address instances of repeated infringing activity by these individuals.

4.4 Action Taken in Response to Subpoenas

Upon receipt of a valid subpoena, O'More College of Design is obligated to turn over any electronic information regarding specific instances of infringing material that has been allegedly transmitted over its networks.

5. Definitions

- “Copyright” refers to the legal protection of intellectual property, in whatever medium, that is provided for by the laws of the United States to the owners of copyright. Types of works that are covered by copyright law include, but are not limited to, literary, dramatic, musical, artistic, pictorial, graphic, film and multimedia works. Many people understand that printed works such as books and magazine articles are covered by copyright laws but they are not aware that the protection extends to software, digital works, and unpublished works and it covers all forms of a work, including its digital transmission and subsequent use
- “DMCA” refers to the [Digital Millennium Copyright Act \(DMCA\)](#), signed into law in 1998, recognizes that digital transmission of works adds complexity to the Copyright Law. The DMCA provides non-profit educational institutions with some protections if individual members of the community violate the law. However, for O'More College to maintain this protection, we must expeditiously take down or otherwise block access to infringing material whenever it is brought to our attention and whether or not the individual who is infringing has received notice.
- “Network” refers to the system of hardware, internet connectivity and other systems offered by the College.

6. Frequently Asked Questions

6.1 What are some of the consequences of copyright infringement?

DMCA infractions can result in serious consequences if the university has received more than two notices of infringement against an individual within a three-year period.

Universities and individuals can be subject to the imposition of substantial damages for copyright infringement incidents relating to the use of College network services. In a civil action, the individual infringer may be liable for either actual damages or statutory damages of up to \$30,000 (which may be increased to up to \$150,000 if the court finds the infringement was willful). In addition, individual infringers may be subject to criminal prosecution. Criminal penalties include up to ten years imprisonment depending on the nature of the violation.

In addition, the Higher Education Opportunity Act (HEOA) of 2008 requires all U.S. colleges and universities deal with unauthorized file sharing on campus networks.

6.2 Specifically, is sharing and downloading mp3 files (or other types of music files) and videos illegal?

It is true that some copyright holders give official permission to download MP3 files and you might be able to find a limited number of videos that are not copyright protected. It is also true

that some MP3 files are copyright free and some MP3 files can be legally obtained through subscription services. However, most MP3 and video files that are shared do not fall into any of these categories.

US Copyright Law allows you to create MP3s only for the songs to which you already have rights; that usually means you purchased the CD or downloaded a file via a subscription service. US Copyright Law allows you to make a copy of a purchased file only for your personal use. Personal use does not mean that you can give a copy to other people, or sell a copy of it.

6.3 What are legal alternatives?

The Internet offers a variety of legal entertainment alternatives, whether downloads or streaming, free or fee-based, DRM or DRM-free, well-known artists or surprising discoveries. EDUCAUSE (a community of IT leaders and professionals committed to advancing higher education) has identified a long list of these, cataloged at [Legal Sources of Online Content](#).

6.4 How do you get caught violating copyright law?

Copyright holders represented by organizations such as the Recording Industry Association of America, the Business Software Association, and the Motion Picture Association of America are applying serious efforts to stop the infringing downloads of copyrighted music, movies, and software. The companies or their agents locate possible copyright infringements by using automated systems.

O'More's network has a range of IP addresses and all computers connected to the O'More network have an IP address. When we get a violation notice, O'More locates the IP address and whenever possible, the user of that address. At that point, O'More is required to act on the notification.

7. Approval and Revisions

- Version 1.2
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- Last modified on on April 21, 2017 by the Director of Information Resources Nicole Fox
- Recommended for approval by the Chairs on May 24, 2017
- Approved by President Dr. Rosen on May 25, 2017