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# COPYRIGHT INFRINGEMENT POLICY

*Mission Statement: To inspire its students by creating and maintaining a student-centered occupational environment which culminates in gainful employment.*



## **COPYRIGHT POLICY**

Copyright is a form of legal protection to the authors of original works, in whatever medium, that is provided for by the laws of the United States to the owners of copyright. Copyright law applies to types of works that include, but are not limited to, literary, dramatic, musical, artistic, pictorial, graphic, film and multi-media works. This protection is available to both published and unpublished works.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are covered by copyright laws but they are not aware that the protection extends to software, digital works, and unpublished works and it covers all forms of a work, including its digital transmission and subsequent use.

The Digital Millennium Copyright Act (DMCA) was enacted into law on October 28, 1998. This act amended the copyright law to provide regulations for works cited in the World Wide Web. This act obligates the College to block access to infringing material when a copyright violation is reported. Students who engage in illegal file-sharing are subject to civil penalties from copyright owners as well as disciplinary action from MBC. Midwest Barber College and individuals can be subject to the imposition of substantial damages for copyright infringement incidents relating to the use of College's 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 \$250,000 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. Because technology makes it so easy to copy and transmit protected works, copyright is a serious issue.

While Midwest Barber College encourages the free flow of ideas and provides resources such as internet access to support this activity, MBC does not condone the illegal or inappropriate use of material that is subject to copyright protection and covered by state and federal laws.

### **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
- Scanning a photograph that has been published and using it without permission or attribution
- 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.

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, or sell, a copy to other people.



While some copyright holders do 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. Peer-to-Peer networks that share files are not allowed to be used on the MBC network. Some examples of the Peer-to-Peer sites include, but are not limited to, LimeWire, Gnutella, Kazaa, Bit Torrent, eDonkey2000, FrostWire, ZTorrent, BearShare, and the Pirate Bay. If this software is installed on a student's computer who is requesting internet access from Midwest Barber College, the request will be denied. A list of legal alternatives for downloading music, video, images, etc. is available upon request. A list of legal alternatives for downloading music, video, images, etc. is available upon request. A copyright holder represented by organizations such as the Recording Industry Association of America, the Business Software Association, and the Motion Picture Association of America are making serious efforts to stop the downloads of copyrighted music, movies, and software without purchasing it. By using automated systems, the companies or their agents locate possible copyright infringements. MBC's network has a range of IP addresses and all computers connected to the network have an IP address assigned to it. When we get a violation notice, MBC will locate the IP address and whenever possible, the user of that address. At that point, MBC is required to act on the notification. If a person is determined to have committed copyright infringement while connected to the Midwest Barber College network, the following steps will be taken:

**First Offense:**

The MBC Agent will issue a formal written counseling form. The agent will inform the student of the seriousness of the violation and the possible repercussions of further violations. The agent will also inform the student of possible methods to complete their schoolwork while also complying with copyright law. The agent will provide a copy of this counseling form to the student and will retain a copy for three years or until the student is no longer enrolled, whichever is shorter.

**Additional Offenses:**

For additional offenses, the student will have all internet access blocked until the Director determines the appropriate sanctions. Sanctions may include, but are not limited to, permanent blockage of internet access, suspension leading up to, and including expulsion.

Legal Alternatives for Acquiring Copyrighted Material the Higher Education Opportunity Act of 2008 requires an Educational institution to offer legal alternatives to illegal downloading or otherwise acquiring copyrighted material. The institution periodically reviews the legal alternatives for downloading or otherwise acquiring copyrighted material and make the results of the review available to its students through a Web site or other means.