

Illegal File Sharing and Download

Treasure Valley Community College (TVCC) is committed to addressing student violations of the Digital Millennium Copyright Act (DMCA) which was signed into law in 1998. The intent of the DMCA is to prevent illegal downloads and file sharing. The College recognizes that technology and copyright law is an evolving industry and there are many legal subscribed methods to receive legal downloads of music, games, and movies. However, peer-to-peer (P2P) file sharing and illegal downloading occur as a result of students file sharing over a network owned by the College. The College generally acts as Internet Service Providers (ISP) for the campus.

The DMCA requires copyright holders to notify the College if a network user has illegally downloaded content. Students who utilize their computing privileges for illegal downloading and P2P file sharing will face student disciplinary action through the Office of Student Conduct. Disciplinary action at the college is defined in the *Student Rights, Freedoms and Responsibilities* document. Depending on the severity of the infraction, the College may recommend the possibility of criminal or civil prosecution to the copyright holder.

Members of the campus community will be notified annually that illegal sharing and/or downloading copyrighted music, games, videos, film and other items as defined in the DMCA are prohibited by law and by TVCC policy. The recording, gaming, and motion picture industries take steps to identify and prosecute individuals engaged in copyright infringement and work collaboratively with college and universities for enforcement.

In October 1998, Congress and the President signed the Digital Millennium Copyright Act (DMCA). The intent of the DMCA is to restrain and eliminate illegal downloads and file sharing – piracy of proprietary content.

The most significant provisions of the DMCA include:

1. It is a criminal offense to circumvent anti-piracy measures built into software.
2. Provided students comply with the statutory requirements, Internet Service Providers (ISPs), including the College providing bandwidth, internet and other electronic services to their faculty, students and staff, are not susceptible to vicarious infringement exposure due to the activity of their users simply by providing the network transmitting the illegal files.
3. ISPs are liable if they have knowledge of infringing downloads and they fail to remove or have the infringing material removed from individual user sites.

P2P file sharing and illegal downloading occur in the college environment since institutions are generally providing users (students and employees) bandwidth distribution for research and academic endeavors.

Because the DMCA requires copyright holders to notify TVCC if a user has illegally downloaded content, students who utilize their computing privileges to misuse the bandwidth for illegal downloads and file sharing will receive sanctions through the office of student conduct utilizing the *Student Rights, Freedoms and Responsibilities* document. Employees who utilize their computing privileges to misuse the bandwidth for illegal downloads and file sharing will be sanctioned through the appropriate supervisor or Human Resources department.

It is critical that students and employees understand the implications of illegal file sharing and downloading are significant and may lead to criminal prosecution. The recording and motion picture industries have adopted an increasingly aggressive position in finding and prosecuting individual infringers with a particular focus on colleges and universities.

The College encourages users to subscribe to a legal downloading service so they can legally and permissibly download digital media and keep themselves safe from prosecution and/or disciplinary action at the College. For more information, please see the website of the U.S. Copyright Office at www.copyright.gov and www.copyright.gov/legislation/dmca.pdf.

END OF POLICY

Legal Reference(s):

[ORS 341.290\(2\)](#)

Cross Reference(s):

IIBGA/EGAD - Electronic Information Resources and Acceptable Use

IIBGB/EGADB - Web Pages for Instructional Purposes