

Peer-to-peer networking: copyright violations and illegal or unauthorized use

Peer-to-peer (P2P) applications like KaZaA, Gnutella, Morpheus, and others have been in widespread use for the past several years allowing users to share copyrighted files between their computers. Downloading music, movies, games, and software files puts users at risk personally if they use peer-to-peer applications to acquire copyrighted materials without buying or licensing those materials or have permission to download. Sharing copyrighted materials without a license is quite likely to subject the user and the University to legal sanctions. Moreover, the traffic such sharing generates can easily cause problems for other users at the University. Both of these outcomes violate [Baker University's Information Technology Responsible Use Policy](#) and may be cause for immediate removal of access to the network. In addition, enabling file-sharing on your computer makes your machine more vulnerable to computer hackers and loss of privacy.

Federal law requires that the University take action when notified that someone on its network is distributing copyrighted materials. The University will not protect individuals who distribute copyrighted material without an appropriate license. Baker's network is configured to disallow standard peer-to-peer networking to protect the University and its constituents as well as to ensure adequate network bandwidth for all at the University to use for legitimate academic endeavor.

If you are using peer-to-peer applications, you should consider removing them from your system. If you choose not to remove these applications, you should IMMEDIATELY ensure that your system is set to prevent them from acting as providers of unlicensed materials to other users which is their default setting.

Process for copyright complaints

Complaints of copyright violation received from copyright owners and their representatives, such as the Motion Picture Association of America, the Recording Industry Association of America, the Entertainment Software Association and the Business Software Alliance will initiate the following process.

1st offense: You will receive an official University email notifying you of the complaint. You then have 24 hours to respond by email that you have deleted the materials named in the complaint. If you fail to respond, your network connection will be temporarily disconnected until you comply with the instructions given in the email. If you respond, but fail to delete the materials from your machine, or if other copyrighted movies, music, games or software files are downloaded to or distributed from your machine illegally, the University will continue to receive complaints tied to the resource registered in your name

2nd offense: You must do everything listed above under "1st offense", pay a \$50 fine, and attend a educational session to learn about copyright laws and Baker's student disciplinary process.

3rd offense: You will be expected to complete the requirements of the 1st and 2nd offenses where you must delete copyright materials from your machine, pay a \$50 fine, and attend an educational session on copyright laws. You will immediately lose the privilege of having a network connection in your campus residence for the remainder of the school year. You will still be able to use computer labs on campus and will retain the use of your Baker email account. Since you will have violated the University's Information Technology Responsible Use Policy, you will be referred to an administrative disciplinary hearing that may result in a misconduct record and jeopardize your student status. You will need to petition for network access the following school year if you are living in University housing.

You could be sued for damages! Under federal law, \$750-\$150,000 may be sought for each illegally shared item. Under the No Electronic Theft Act, if you copy more than \$1,000 worth of material, there are criminal penalties that include substantial fines of up to \$250,000 and up to 10 years prison time for flagrant cases of infringement. Making copies of copyrighted songs available for others to download, or downloading them from others yourself, is clearly a violation of federal copyright law even if you have not sold any copies.

If you have questions regarding copyright of electronic files, contact Bonnie Postlethwaite, Associate Vice President of Information Services, at 785-594-8341, or send email to bonnie.postlethwaite@bakeru.edu.