



Disclosure to Students Regarding Digital Copyright Compliance

SUNY Cobleskill College strongly supports the right of a copyright owner of a work of intellectual content, regardless of the form of the work, to protect this work from being used in any manner that has not been authorized by this copyright owner.

Digital Millennium Copyright Act

In order to explicitly protect the rights of the copyright owners of intellectual works that are expressed in digital forms, the United States passed the Digital Millennium Copyright Act (DMCA) that was signed into law by President Clinton on October 28, 1998. The following is a link to the text of the DCMA:

<http://www.copyright.gov/legislation/dmca.pdf>.

As a student you will undoubtedly need or choose to use many different works of intellectual content that are in the digital formats addressed by the DCMA and that are also often conveyed via the Internet and the College's campus network. As a consequence **it is imperative that you know that unauthorized distribution, including file-sharing, of copyright-protected materials may subject you to civil and criminal liabilities.**

Description of Federal Copyright Law and Penalties for Violating It

The following text provided by the U.S. Department of Education describes Federal copyright law and the penalties for violating it:

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed.

For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see Title 17, United States Code, Sections 504, 505.

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.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at <http://www.copyright.gov/help/faq>.

As the above text from the Department of Education makes clear, the penalties for infringement violations of U.S. copyright law can be very severe: all, including you as a student, who use SUNY Cobleskill's computer and network resources should remain mindful of this fact.

Policies and Practices Regarding Unauthorized File-Sharing

As a student you are advised that SUNY Cobleskill College supports the Digital Millennium Copyright Act and the College works to limit and stop unauthorized and potentially illegal file-sharing by:

- Investigating and responding to any reports from on or off campus that the College receives regarding instances of potential unauthorized file-sharing or downloading using the College's information technology systems
- Using technological deterrents to perform bandwidth shaping, to conduct traffic monitoring to identify the largest bandwidth users, and to reduce or block illegal file-sharing
- Processing unauthorized file-sharing/downloading instances per the College's established Computer Access Disciplinary Sanctions for Students which can result in serious actions being taken by the College's Student Judicial Board.

Read the details about how SUNY Cobleskill supports the DCMA and the about potential disciplinary actions that can result from unauthorized file-sharing at the following links:

- [Computer Resources Policy](#)
- [Computer Access Disciplinary Sanctions for Students](#)

Alternatives to Illegal File-sharing and Downloading

There are numerous free and commercial services available that provide legal ways for you to copy and/or use various types of digital content, including such things as popular music and video titles.

EDUCAUSE, the foremost information technology consortium in higher education, maintains a website of links to legal sources of online content: <http://www.educause.edu/legalcontent>.

SUNY Cobleskill strongly recommends that you, as a student, and other members of the campus community employ these or other such legal services as ways to insure that uses of electronic media are in compliance with Federal copyright law.