Copyright Infringement and Peer-to-Peer File Sharing

COPYRIGHT INFRINGEMENT

Penalties for violating Federal copyright laws may include but are not limited to restitution and damage fees or criminal charges. For more detailed information, please see chapter 5 of Title 17, U.S. Code, Copyright Law of the United States, available online at www.copyright.gov or by request from the St. Luke's College Library.

Disciplinary action taken against a student who uses the St. Luke's College information technology system to distribute copyrighted materials without authorization will follow the Disciplinary Action Policy found on page 36 of the student handbook.

PEER-TO-PEER (P2P) FILE SHARING

Purpose

To prohibit the use of peer-to-peer (P2P) file sharing applications by all computers connected to the UnityPoint Health network. The primary purpose of this policy is to educate and set expectations for the users of the UnityPoint Health network of their responsibilities towards the use of P2P applications. This policy addresses the issues, impacts and concerns with file sharing aspects of P2P applications using the UnityPoint Health network. The policy applies to all computers that are connected to the UnityPoint Health network.

Policy

Users of the UnityPoint Health network may not use Peer-to-Peer file sharing programs. For the purposes of this policy, a P2P file sharing application is any application that transforms a personal computer into a server that distributes data simultaneously to other computers. Please note that copyrighted materials cannot be shared by any means without proper permission. This includes sharing via network file shares, the web, or any other means and is not limited to P2P programs.

Background

A peer-to-peer computer network refers to any network that does not have fixed clients and servers, but a number of peer nodes that function as both clients and servers to the other nodes on the network. Any node is able to initiate or complete any supported transaction. Peer nodes may differ in local configuration, processing speed, network bandwidth, and storage quantity. P2P computing is the sharing of computer resources and services by direct exchange between systems.

This policy concerns one of the most prevalent uses of P2P technology: the distribution of copyrighted content. Along with copyright infringement, other concerns of P2P file sharing applications include network resource utilization, security, and inappropriate content.

Issues
Copyright Infringement:

Downloading or distributing copyrighted material, e.g. documents, music, movies, videos, text, etc., without express permission from the rightful owner violates the United States Copyright Act.

Those who obtain or distribute copyrighted material should be aware that if found liable for copyright infringement, the penalties can be severe, depending on the amount and willfulness of the infringing activity. In a civil lawsuit, one found liable for copyright infringement can be ordered to pay damages of as much as $30,000 per copyrighted work infringed. This penalty can be increased to $150,000 per infringed work in cases of particularly flagrant infringement. In the most serious and widespread cases of copyright infringement, criminal prosecution is possible.

Additionally, students, faculty, and staff who may be in violation of copyright law place not only themselves at risk; they may be exposing St. Luke's College and UnityPoint health to liability as an institution and health system, for contributory or vicarious infringement, e.g., using UnityPoint Health network resources to obtain the material and/or to store the material on UnityPoint Health computers.

Impact to the UnityPoint Health System Network

Peer-to-Peer file sharing applications typically allow a user to set up their computer so that other people can access specific files on that computer. This process, in effect, converts the user's computer into a server. A user's computer acting as a server can place an enormous burden on the network. Network performance can degrade significantly when P2P file sharing applications are used, especially when large files are being downloaded.

Security

Peer-to-Peer networks can introduce serious gaps in an otherwise secure network. Threats such as worms and viruses can easily be introduced into the network. P2P applications, if modified, can also allow users outside the UnityPoint Health network to gain access to data on the user's computer or even the network. Some P2P applications will also allow third parties to see the user's IP address. The installation of spyware is also common with many P2P applications.

Procedure

Any user who violates this policy will be subject to disciplinary action following the Disciplinary Action Policy, Student Policy #4, available in the student handbook. Additionally, if found liable for copyright infringement, action may be taken.