



MEMORANDUM

To: Faculty, Staff and Students
From: Dr. Bret Ellis, CIO

RE: Illegal Sharing of Copyrighted Materials
Date: January 25, 2019

This memo is to officially notify all students, faculty, and staff, that it is a violation of federal law and University policy to share and/or distribute copyrighted materials without the permission of the copyright holder. Violators may be subject to civil and criminal prosecution under federal law, as well as personal sanctions specified in University policy.

Universities are receiving a significant increase in complaints from representatives of the motion picture, music recording, and software industries. The majority of the complaints are directly related to the use of file-sharing software, such as BitTorrent, uTorrent, and similar programs.

File sharing software is most commonly used to download music and other media. Many do not realize that this software may turn your personal computer into a server, or upload site, even if that was not your intent. Files on your network connected PC may then be illegally shared with every other person connected to the internet. It is imperative that the file sharing capability of these systems be disabled. If you do not know how to disable this function, please contact the IT Service Desk at (801) 626-7777.

Industry representatives aggressively monitor the Internet to discover incidents of illegal file-sharing. When violations are discovered, they contact the network owner and/or the Internet Service Provider and demand that the offending devices be disconnected from the network. To protect the user and the University from further culpability under federal copyright law or University policy, the University will follow the Weber State University HEOA P2P Compliance Plan for any machine for which a complaint of copyright infringement has been received.

To restore network service, the user must contact the IT Service Desk and arrange to sign a document stating that the user has disabled the file sharing function of their software and has agreed to discontinue all illegal file sharing activity. If the user is named in additional complaints, they may lose long term access to network service and may be subject to disciplinary action under University policy PPM 3-33, Discipline (Staff Employees), and University policy PPM 6-22, Student Code. Students will be referred to the Dean of Students, staff to Human Resources, and faculty to the appropriate dean for further review and action.

Action taken by the University to remedy a violation does not preclude the copyright holder from seeking civil and/or criminal prosecution for copyright infringement. The law specified civil liability of litigation costs, attorney fees, and actual damages, or statutory damages of \$750 to \$30,000 for each work infringed, and, under certain circumstances, criminal penalties up to \$250,000 and/or imprisonment. In addition, actions taken to circumvent technological measures that are used to control access to copyrighted works or to prevent infringement of the exclusive rights of copyright owners are punishable by awards of statutory damages of \$200 to \$2,500 per act of circumvention.

Fortunately, there are many legal alternatives to unauthorized downloading. For an extensive list of resources, see www.educause.edu/legalcontent.

The Information Security Office strongly encourages all Weber State University students, faculty, and staff to familiarize themselves with University policy regarding copyright infringement, including the Acceptable Use Policy (PPM 10-2). For more information, visit Weber State University's HEOA Peer-to-Peer Compliance page located on the Information Security Office's website, www.weber.edu/iso/heoa_p2p_compliance.html.