

COPYRIGHT COMPLIANCE

Broward College Policy and Procedure 8.05 (http://www.broward.edu/legal/policies-and-procedures/_docs/policy/6hx2-8.05.pdf)

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. Unauthorized peer-to-peer file sharing, illegal downloading or unauthorized distribution of copyrighted materials using Broward College's information technology system constitutes copyright infringement. Specifically, in the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority likewise 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 court 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. Broward College will immediately investigate notices of allegations of peer-to-peer file sharing and copyright infringement under the Digital Millennium Copyright Act (DMCA), Title 17, United States Code, Section 512. The DMCA offers copyright holders legal protection of their entitlement to the reproduction and distribution of copyrighted material and governs the copying or other means of reproduction of copyrighted material. As part of its efforts to combat illegal file sharing and copyright infringement, Broward College endeavors to educate and inform its students, faculty and staff about copyright infringement by visiting the U.S. Copyright Office and Broward College's Copyright Policy.