

Copyright Infringement Policy

Purpose: College of Menominee Nation (CMN) believes in respecting and protecting the rights of intellectual property owners. This is not only a question of ethics, but also of law. Advances in electronic communication and technology, such as the Internet, have had a dramatic impact on the way CMN conducts business, and have greatly facilitated our access to a wide range of information and media. As a result, the risk of copyright infringement, either intentional or accidental, is of increasing concern.

The use of College of Menominee Nation (CMN) computing/technology resources is a privilege extended to CMN students, employees and community members. In order to maintain this privilege, CMN students, employees and community members must comply with federal and state laws as well as CMN's computer/technology use policies and regulations, including those related to use of copyrighted material and those prohibiting copyright infringement.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

What is Copyright Infringement: Copyright infringement is the act of exercising, without permission or legal authority, one or more 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.

What are the Penalties for Copyright 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 no 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.

Notice: Any CMN computer/technology account holder/users who participates in the unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, is subject to the loss of access to CMN computing/technology resources, disciplinary action by CMN's administration, and the following civil and criminal liabilities.

For more information, please see the website of the U.S. Copyright Office at www.copyright.gov.

Referenced Copyright Laws

Copyright Act (Title 17 of the US Code) – Authorized in Article I of the US Constitution, which states that Congress is allowed to pass legislation "to promote the Progress of Science and useful Arts by security for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

Digital Millenium Copyright Act of 1998 – This law provides recourse for owners of copyrighted materials who believe their rights have been infringed on the Internet.

Higher Education Opportunity Act: New Reporting and Disclosure Requirements for Colleges and Universities. Section: General Institutional Disclosures to Students (Copyright Infringement)..

Scope:

1. CMN reserves the right to monitor end user systems and the content stored therein. CMN also reserves the right to remove, delete, modify, or otherwise disable access to any materials found to be infringing on copyright.
2. By reading this policy, an employee, student and community members of CMN will indemnify and hold CMN harmless for any breach of this policy or copyright law.
3. No employee, student or community members of CMN may reproduce any copyrighted work in violation of the law. Works are protected by US copyright law even if they were not produced in this country.
4. Copyrighted materials in the US are not required by law to be registered, unlike patents and trademarks, and may not be required to carry the copyright symbol (©). Therefore, a copyrighted work may not be immediately recognizable. Assume material is copyrighted until proven otherwise.
5. If a work is copyrighted, you must seek out and receive express written permission of the copyright holder to reproduce the copyrighted work in order to avoid violation.
6. Copyrighted works include, but are not limited to: text (e.g. articles), images (e.g. photographs), graphics (e.g. logos), sound recordings (e.g. MP3s), video recordings (e.g. movies), or software programs. The following materials are not considered copyrighted materials: ideas, facts, processes, methods, systems, government works, and works in the public domain.

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