

Copyright Infringement Policy

To comply with the Higher Education Opportunity Act, SUNY Sullivan is taking the following measures as required by law.

The Office of the Vice President for Academic and Student Affairs will distribute an annual disclosure to students describing copyright law and campus policies related to violating copyright. Additionally, the College will use a variety of methods to inform our community about the law and the institution's response to copyright infringement claims:

- In order to use College computing resources, all members of the SUNY Sullivan community agree to the provisions of the [Computer and Network Acceptable Use Policy](#). The Computer and Network Acceptable Use Policy details College policy regarding the unauthorized transfer, via peer-to-peer (p2p) or other means, of copyrighted material.
- Posters/notices are mounted in student computer labs and elsewhere to discourage illegal file sharing.
- Each semester the college communicates to all students regarding illegal distribution of copyrighted materials.
- Computing support staff and student workers are trained on the college's position with respect to copyright issues.

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

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>.

SUNY Sullivan will "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents", where appropriate, such as:

- Internet Traffic Management Practices, including bandwidth shaping and the use of commercial products designed to reduce or block illegal file sharing.
- A program of accepting and responding to Digital Millennium Copyright Act (DMCA) notices. Contact the campus Copyright Agent, Matt Smith, at mattsmith@sunysullivan.edu or 845-434-5750 x4226.
- To the extent practical, providing “alternatives to illegal downloading”. A list of Legitimate Download Services can be found at Educause.com.

The [Student Handbook](#) and the [Computer and Network Acceptable Use Policy](#) provide information on sanctions regarding the violation of Academic and Computer and Network usage policies.

SUNY Sullivan will continue to track developments in this area and periodically review the effectiveness of these policies. For the latest information, see the EDUCAUSE Higher Education Opportunity Act resource page at <http://www.educause.edu/HEOA>.