

What you need to know before...



Downloading Copyrighted Materials

Including movies, TV shows, music, digital books, software and interactive games



The Facts and Consequences

Who monitors peer-to-peer file sharing?

The Motion Picture Association of America (MPAA), Home Box Office, and other copyright holders monitor file-sharing on the Internet for the illegal distribution of their copyrighted contents. Once identified they issue DMCA (Digital Millennium Copyright Act) take-down notices to the ISP (Internet Service Provider), in which the University of Alaska is considered as one, requesting the infringement be stopped. If not stopped, lawsuit against the user is possible.

What is UAF's responsibility?

Under the Digital Millennium Copyright Act and Higher Education Opportunity Act, university administrators are obligated to track these infractions and preserve relevant logs in your student record. This means that if your case goes to court, **your record may be subpoenaed as evidence**. Since illegal file sharing also drains bandwidth, costing schools money and slowing Internet connections, for students trying to use the network for legitimate academic purposes, it is important for the university address this problem.

How many UAF students are caught sharing copyrighted material every semester?

Hundreds of UAF students are caught sharing illegal downloads every semester. Violators have their internet access shut off.

What is UAF's policy?

The University of Alaska Fairbanks abides strictly by Federal law (Title 17, United States Code, Sections 501 & 506). This law provides severe civil and criminal penalties for the unauthorized reproduction, distribution, rental, or digital transmission of copyrighted movies, TV shows, videos, games, software, cartoon, music and other digital contents. The law says that you cannot have any files on your computer or mobile device that you have not legally acquired. More importantly, you cannot share a file with others without authorization from the file's copyright owner.

What are the consequences at UAF for violators of this policy?

Student Services at UAF takes the following minimum actions when the policy is violated:

1st Offense:

Loss of Internet access until issue is resolved.

2nd Offense:

Loss of Internet access pending resolution and a \$100 fee assessment.

3rd Offense:

Loss of Internet access pending resolution and a \$250 fee assessment.

4th, 5th, 6th Offense:

Loss of Internet access pending resolution and a \$500 fee assessment.

What are the Federal consequences for violators?

The MPAA, HBO and similar organizations are becoming more and more aggressive in finding and prosecuting alleged offenders in criminal court. Penalties for first time offenders can result in fines up to \$250,000 plus five years in jail. There may also be civil damages up to \$150,000 per illegally downloaded or shared copyrighted file.

Where can you LEGALLY download movies, TV shows, cartoons, or listen to music?

Watch and listen LEGALLY at:

Amazon
Hulu
iTunes store
Last.fm
Netflix
Pandora
Rhapsody
Spotify
YouTube



Frequently Asked Questions

How do I know what's legal when it comes to copying materials? If you distribute copyrighted movie, TV shows, music, digital books, software and interactive games without authorization from the copyright owner, you are breaking the law (distribution can mean anything from "sharing" files on the Internet to burning multiple copies of copyrighted material onto recordable media and selling or giving them to others).

Is it illegal to upload materials onto the Internet even if I don't charge others for them?

Yes, if the materials are protected by copyright and you don't have the copyright holder's permission, U.S. copyright law prohibits the unauthorized distribution of copyrighted creative work whether or not you charge money for it.

What if I share poor quality recordings?

The law prohibits unauthorized copying and/or distribution of digital contents that are recognizable copies of copyrighted work. The quality of the recordings doesn't matter.

How do I know if something is copyrighted?

When you buy digital contents legally, there is usually a copyright mark on the product. Stolen digital contents generally doesn't bear a copyright mark or warning. Either way, the copyright law still applies. A copyrighted creative work does not have to be marked as such to be protected by law.

Is downloading and uploading movies, TV shows, cartoons, music, digital books, software and interactive games really stealing? Yes, if the person or network you are downloading from doesn't have the copyright holder's permission.

What will happen to me if I am caught illegally copying or distributing copyrighted materials? Under Federal law, first-time offenders who commit copyright violations involving digital recordings can face criminal penalties of as much as five years in prison and/or \$250,000 in fines. You could also be sued by the copyright holder in civil court, costing you hundreds of thousands of dollars more in damages and legal fees.

What if I upload or download copyrighted materials from a server that is based outside of the U.S.?

If you are in the United States, U.S. law applies to you regardless of where the server may be located.

Can I use e-mail or instant messenger services to exchange copyrighted digital content with my friends?

The use of e-mail or instant messenger services to exchange copyrighted files is governed by the same copyright laws that apply to any other form of reproduction or distribution.

Am I breaking the law if I upload or download copyrighted materials and leave them on my hard drive for less than 24 hours?

Reproducing or distributing copyrighted materials without permission of the copyright holder is against the law regardless of how long you hold on to them.

What happens when I use the BitTorrent protocol to download a file?

When you use BitTorrent to download a file, after the download is completed, a seed is left within the BitTorrent client. If you are caught, you will be asked to delete the downloaded file, but if you don't also delete the seed from your BitTorrent client, your BitTorrent client may automatically download the same file and begin distributing it again, and you will be liable for any further infractions. Do not use streaming programs that use the BitTorrent protocol to perform the steaming. Do not use Popcorn Time, Hola, ROX Player, TorrentStreaming, Tribler, Fetchr, Torrent Stream, Torch Browser, Ace Player HD or Zona to stream copyrighted contents.



Frequently Asked Questions

Does the First Amendment give me the right to download and upload anything, including copyrighted materials? No, it does not. What copyright law prohibits is theft, not free expression.

Does the “Fair Use Doctrine” give me the right to download and upload copies of copyrighted digital content I’ve purchased?

No, it does not. In certain instances, the use of a copyrighted work for purposes such as criticism, comment, news reporting, teaching, scholarship or research might not constitute infringement, depending on 1) the purpose and character of the use, 2) the nature of the copyrighted work, 3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole, and 4) the effect of the use on the potential market for or value of the copyrighted work. However, courts have rejected the notion that uploading and downloading copyrighted sound recordings without permission constitutes “fair use.”

Besides the companies producing these copyrighted materials, who else does illegal downloading hurt? First and foremost, illegal copying hurts the artists who make the materials. These people depend on the royalties they receive from the authorized sales of their art to make a living. Many content creators receive most of their income from royalties. For many young artists, income from royalties means survival. In the end, illegal downloading means artists won't be fully rewarded for their hard work and devotion to their art.

But I did not download the copyrighted file at the University of Alaska. Why am I in violation? If the file-sharing app on your computer or mobile device is running when it is on UAF's network, the app will distribute the copyrighted file to thousands of other Internet users, including detection systems operated by the copyright holders, regardless where the file was downloaded. If you are unaware of this behavior, it is important that you must disable or remove the app before using UAF's network. UAF VPN users, please be advised your downloading/sharing of copyrighted files go through the UAF network and are logged, even when you and your device are outside of Alaska.

I did not download the copyrighted file. How is it possible I get blamed for the infringement? If you shared your password or device with friends and family your username can be associated with a copyright infringement. Do not share your password or device with ANYONE! You may be held responsible for their illegal activities if you do. Change your password if you have shared.



RESOURCES:

www.riaa.com, www.mpaa.org
www.copyright.gov
<http://wheretowatch.com>

CONTACT:

University of Alaska Fairbanks
Office of Information Technology
907-450-8300, 1-800-478-8226
www.alaska.edu/oit
helpdesk@alaska.edu



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