

# COPYRIGHT INFRINGEMENT POLICY



## I. Introduction

The copyright policy of West Coast University (WCU) affirms our commitment to comply with the United States law pertaining to copyright; to respect faithfully the property rights of authors and their assignees; to educate members of the campus communities about copyright law; and to exercise vigorously the rights and responsibilities granted under this law.

We are committed to fostering an environment of respect for and responsible use of the intellectual property of others. WCU is committed to helping members of the community comply with copyright laws by providing resources to help individuals make informed, careful, and situation sensitive decisions about the lawful and fair use of work created by others.

When considering copying any original work, determine whether:

1. the work is protected by copyright,
2. the work is available under a license agreement, or
3. whether the intended use qualifies as a fair use, as defined in 17 USC §107.

If the intended use is not a fair use, then seek permission from the copyright owner.

## II. Application

This policy applies to all associates, faculty, and students of WCU.

### A. Compliance with Copyright Laws

WCU expects all associates, faculty, and students to make a reasonable effort in good faith to comply with copyright laws in their use of copyrighted materials.

### B. "Fair Use" of Copyrighted Works

WCU encourages associates, faculty, and students to assess whether the "fair use" exception to the exclusive rights of copyright owners may apply. Before relying on the "fair use" exception, associates, faculty, and students should educate themselves regarding the limits of fair use and should, in each instance, perform a careful, good faith fair use analysis based on the four factors identified in Section 107 of the federal Copyright Act:

- Purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes
- Nature of the copyrighted work
- Amount and substantiality of the portion used in relation to the copyrighted work as a whole
- Effect of the use upon the potential market for, or value of, the copyrighted work

If there is any ambiguity about the categorization of fair use, you must seek guidance from Legal Counsel. You are required to document your fair use analyses as a defense against claims of copyright infringement. It is recommended that the Fair Use Checklist available on this site be used for this purpose and that this completed form be kept for three years following the date of the last use of the copyrighted item <https://librarycopyright.net/resources/fairuse/index.php>.

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## C. Assistance with Copyright Compliance

Because of the complexity of copyright law and, in particular, the fair use exception, WCU will provide guidance to associates, faculty and students and help them make informed, careful and situation sensitive decisions about the lawful and fair use of works created by others.

## D. Peer to Peer File Sharing (P2P)

Peer-to-Peer file sharing (P2P) is a technology that allows people to download files from one another over the Internet. Normal downloads have a two participant relationship; a server that hosts the file and a clients that downloads the file. Using P2P applications, networked computers share files without the need for a client server relationship. Each computer acts simultaneously as a client and server. P2P users store files on their computers and the P2P application enables other users to download those files onto their computers.

P2P technology makes it possible to share files that are copyrighted. Federal law prohibits the reproduction, distribution, public display or public performance of copyrighted materials over the Internet without permission of the copyright holder. WCU fully complies with the federal Digital Millennium Copyright of 1998 and has the measures in place for tracking alleged incidents of copyright infringement.

WCU may receive a notice from the Recording Industry Association of America (RIAA) and other content owners that copyrighted material has been infringed by a user on WCU's network. Once the user is verified, the user is forwarded a copy of the notice and is ordered to cease and desist any illegal activity.

If a subpoena is issued by the RIAA, by law, WCU is required to provide the identity of alleged infringers. Employees and students subject to subpoenas risk further legal action and WCU disciplinary action.

## E. Legal Alternatives

The [Higher Education Opportunity Act](#) requires all colleges and universities to offer legal alternatives to unauthorized downloading.

EDUCAUSE\* maintains a list of sites where you can legally download music, videos and other digital content.

The list can be found at: <http://www.educause.edu/legalcontent>

EDUCAUSE is a nonprofit association whose mission is to advance higher education by promoting the intelligent use of information technology.

### Other Resources for Legal Downloading

- [MPAA Legal Options for Movies & TV Shows](#)

### Legal Alternatives for Downloading

- ABC TV - <http://www.abc.go.com>
- Amazon MP3 Downloads - <http://www.amazon.com/MP3-Music-Download/b?ie=UTF8&node=163856011>
- AOL Music - <http://www.music.aol.com>
- BearShare - <http://www.bearshare.com>
- Cartoon Network Video – <http://www.cartoonnetwork.com/video>
- CBS Video - <http://www.cbs.com/watch>
- CD Baby - <http://www.cdbaby.com>

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- Crackle Movies and TV - <http://www.crackle.com>
- Disney Movies Anywhere - <http://www.disneymoviesanywhere.com>
- E! Now - <http://www.eonline.com/now>
- ESPN360 - <http://www.espn.go.com/espn3/index>
- Fandor - <http://www.fandor.com>
- FOX Full Episodes - <http://www.fox.com/full-episodes>
- FX Networks Video - <http://www.fxnetworks.com>
- HBO GO - <http://www.hbogo.com/#home>
- Hulu Movies & TV - <http://www.hulu.com>
- IMDb Video - <http://www.imdb.com/features/video>
- IndieFlix - <http://indieflix.com>
- Jamendo - <http://www.jamendo.com/en>
- Last.fm - <http://www.last.fm>
- MTV Video - <http://www.mtv.com/videos/home.jhtml>
- Music Millennium - <http://www.musicmillennium.com>
- Lifetime Video - <http://www.mylifetime.com/video>
- MySpace Music - <http://www.myspace.com/music>
- NBC Video - <http://www.nbc.com/video>
- Netflix Movies & TV - <http://www.netflix.com>
- Nick Jr. Video - <http://www.nickjr.com/video/index.jhtml>
- Pandora - <http://www.pandora.com>
- PBS Kids Video - <http://www.pbskids.org/video>
- Showtime Anytime - <http://www.sho.com/sho/showtime-anytime>
- South Park Studios - <http://www.southparkstudios.com/episodes>
- Spotify - <http://www.spotify.com/us>
- Steam Games - <http://store.steampowered.com>
- TBS Shows - <http://www.tbs.com/shows>
- VH1 Videos - [http://www.vh1.com/video/full\\_episodes.jhtml](http://www.vh1.com/video/full_episodes.jhtml)
- Xbox Live Marketplace - <http://www.marketplace.xbox.com/en-US>

## III. Violation of Copyright Laws and Disciplinary Procedures

### A. WCU Response

Upon obtaining knowledge that material residing on its systems or networks is infringing or that its systems or networks are being used for infringing activities (or upon becoming aware of circumstances from which infringing activity is apparent), WCU will act expeditiously to remove or disable access to the infringing materials and may deny the individuals responsible further access to its systems or networks. In addition, associates, faculty or students or other employed persons who willfully

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disregard or violate copyright law may be subject to disciplinary action in accordance with applicable disciplinary policies and procedures up to, and including termination of employment or student dismissal from the institution. (See also "Implementation of the Policy".)

## **B. Criminal and Civil Penalties**

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 website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

## **IV. Certification of Permitted Use**

Associates and faculty members are responsible for understanding the Colleges' copyright policy and shall be accountable for actions that willfully disregard it. WCU's responsibility in this area is to provide faculty members, associates and students access to resources that allow determination of permitted uses. Faculty, associates and students are responsible for seeking guidance and complying with the law.

## **V. Administration of Copyright Policy**

### **A. Implementation of the Policy.**

This Policy will be posted on the WCU website, as well as the intranet for WCU employees. In addition, and pursuant to the Higher Education Opportunity Act, students will be notified annually of this policy and where they can learn more.

Compliance with this policy is mandatory and any reports of violation will be investigated. Where it is required that WCU report violations to outside entities, such reports will be made. Upon investigation, if disciplinary action is deemed appropriate, such action will be taken. This action may include the loss of internet usage privileges, failing grades or course failures (if such usage also violates the Academic Honor Code), suspension, dismissal from the institution and termination of employment, or any other discipline deemed appropriate.

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## B. Technology Deterrents

WCU employs a number of Information Technology means to detect and prevent unauthorized P2P file sharing and other copyright violations, including the following:

**Cisco Firepower Threat Defense** is our chosen application for comprehensive network security. Firepower Threat Defense has been implemented in order to specifically deny access to certain websites, including those frequently used for P2P file sharing. IT is able to report on violations to the configured policies within Cisco Firepower. We currently deploy **Cisco** firewalls and routers which run the latest **Cisco IOS** releases. Our design architecture for these firewalls and routers is such that it prevents access to the network from external sources and protects the WCU IT infrastructure from intrusion. IT is able to monitor the real-time health of this architecture and report on any intrusion violation attempts.

**Meraki Cloud Management System** is used to manage and monitor network activity at the wireless level. Specifically, the Meraki Cloud Management System is our solution set of choice to optimize and shape wireless internet traffic effectively. This includes enhancing traffic filtering, preserving bandwidth, and prioritizing critical traffic. Additionally, the system enables IT to monitor the health of the solution and report on policy violations, ensuring consistent network performance and compliance.

**Rapid7 InsightDR** is deployed in our organization to monitor network activity in real-time. This helps in detecting unauthorized use of confidential file sharing activities and identifying devices or associates involved. The platform integrates with firewalls, access points, and endpoint solutions to offer a comprehensive view of potential policy violations. Provides detailed logs and reports on potential violations, ensuring accountability and enabling audit readiness.

**Rubrik Sonar** is used in protecting against copyright violations and safeguarding sensitive data by leveraging its advanced data classification and visibility features. Rubrik Sonar scans and identifies sensitive data across the organization's storage, ensuring that confidential information is not exposed or mishandled. Automatically classifies data to ensure compliance with regulatory and organizational policies. Enables the creation of automated policies to monitor and restrict the movement of sensitive data, mitigating risks of data exfiltration or copyright violations.

**CrowdStrike Falcon** is chosen for our endpoint protection solution. CrowdStrike Falcon continuously monitors endpoints for unauthorized applications, including P2P software, and flags suspicious activities. Leverages AI and threat intelligence to identify and block malicious activities associated with unauthorized data sharing. Identifies and halts unauthorized data transfers, ensuring that confidential information does not leave the organization's network.

**Sophos Central Admin** is chosen to manage our device encryption for mobile workstations and those that process confidential information, this prevents unauthorized users from accessing data that may be stored on the local computers mitigating risks of data exfiltration or copyright violations.

## C. Assessment and Amendment

WCU will annually assess this Policy and the program in place to detect and prevent copyright violations. This policy may be amended from time to time as WCU deems necessary or desirable, subject to applicable statutory and contractual restraints.