



National University of Health Sciences General Policies

Title: Peer to Peer File Sharing

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Purpose

After July 1, 2010, all colleges and universities were required to comply with several sections of the Higher Education Opportunity Act (HEOA) that deal with unauthorized file sharing on campus networks. *The HEOA imposes **three** general requirements on all U.S. colleges and universities:*

I. Annual Disclosure

*Each campus must annually distribute **three** pieces of information related to copyright policy and law:*

Peer-to-Peer (P2P) File Sharing Policy Statement

A statement that explicitly states that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the offender to civil and criminal liabilities; and

Summary of Penalties for Violating Federal Copyright Laws

A summary of the penalties for violation of Federal copyright laws; and

Policies Barring Violations That Use University Resources

A description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system.

II. Plan to Combat Copyright Violations Using Technology

The Department of Education regulations specify that the plan must be *implemented* and *in writing*. It must also be periodically reviewed using relevant assessment criteria as determined by each campus. Campuses have a great deal of latitude in crafting the plan and choosing the assessment criteria: "Each institution retains the authority to determine what its particular plans for compliance...will be."

There are four categories of "technology-based deterrents":

- A. Bandwidth shaping
- B. Traffic monitoring to identify the largest bandwidth users
- C. A vigorous program of accepting and responding to Digital Millennium Copyright Act (DMCA) notices

D. A variety of commercial products designed to reduce or block illegal file sharing

These categories are equally valid in meeting the requirement to use one or more technology-based deterrents.

III. Plan to Offer Alternatives to Illegal Downloading

- Legal Downloading Sources of Online Content
- Other Resources For Legal Downloading

I. Annual Disclosure

NUHS Peer-to-Peer (P2P) File Sharing Policy Statement *(Annual disclosure 1 of 3)*

University policy explicitly prohibits individuals from using its computer systems and networks to violate copyright law. Some peer-to-peer file sharing including but not limited to uploading or downloading copyrighted music—may violate copyright law. It is important for all users of the University's systems to understand that violating federal copyright laws may subject an offender to civil and criminal liabilities.

Summary of Penalties for Violating Federal Copyright Laws *(Annual disclosure 2 of 3)*

Many people who are using peer-to-peer (P2P) file sharing are doing so, either unwittingly, or in ways that result in copyright infringement. 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 www.copyright.gov/help/faq.

The Recording Industry Association of America (RIAA) using the **Digital Millennium Copyright Act** (DMCA) files approximately 400 lawsuits per month nationwide against individuals who violate the DMCA via illegal downloads. NUHS has not received any DMCA complaints or any RIAA preservation notices, pre-settlement letters, subpoenas and/or settlement letters to date; however, NUHS has begun an education process to assure that those using NUHS computing resources, (the Student Network, and the Faculty Network) are aware of what they are doing. If you have any questions, or need any assistance, please contact the Office of Computer Services (OCS) at (630) 889-6356.

NUHS Policies Barring Violations Using University Resources *(Annual disclosure 3 of 3)*

Using P2P file-sharing technology is risky because the software does not help you

determine if your actions are lawful or not. If you have downloaded and are sharing someone else's copyrighted works, you could be violating the law. If you are using University networks, or equipment to do so, you could also be violating University policy. P2P file sharing on a University network is strictly prohibited for students. The *NUHS Student Code of Conduct* classifies the use of computing facilities and resources to violate copyright laws as an act of theft subject to an array of sanctions.

Many copyrighted works have been made available legally, through P2P technology. There are also public domain works that are lawful to download. The individual user, however, is responsible for knowing if any downloaded is lawful or illegal. Many companies sell electronic access to digital works through vendors. Each user must read the conditions of service carefully. This is a buyer beware market and many sham companies exist that appear to be operating lawfully but are not.

National University of Health Sciences does not offer any music downloading services, however, the University does maintain a list of [Legal Downloading Sources of Online Content](#). Please be advised that these resources may come and go, so it is up to each individual network user to check out the legal status of any downloading service you choose to use.

NUHS Policies and Companion Procedures or Documents Related to P2P File Sharing

- [Computing Resources: Usage Rules Policy](#)
- [Student Network Acceptable Use Policy](#)
- [Faculty Network Acceptable Use Policy](#)
- [Digital Millennium Copyright Act Violations Notice Policy](#)
- [NUHS Copyright Compliance: LRC and Classroom](#)
- [Disabling Illegal P2P File Sharing Procedure](#)
- [Legal Download Sites P2P Companion Document](#)

II. Plan to Combat Copyright Violations Using Technology

NUHS Plan to Combat Copyright Violations Using Technology

The NUHS plan to meet the HEOA compliance requirement of using one or more technology-based deterrents to effectively combat copyright infringement and unauthorized distribution of illegally uploaded or downloaded files employs two of the four "equally valid" categories under the law:

- Traffic monitoring to identify the largest bandwidth users; and,
- A program of accepting and responding to Digital Millennium Copyright Act (DMCA) notices (See: [DMCA Violations Notice Policy](#), see also: [NUHS P2P Education Project and Notification FAQ's](#))

III. Plan to Offer Alternatives to Illegal Downloading

NUHS Plan to Offer Alternatives to Illegal Downloading

The Higher Education Opportunity Act requires all colleges and universities to offer legal alternatives to unauthorized downloading. The following list includes hyperlinks to most of the legitimate online services at this time. No endorsement or evaluation is intended.

Note: Some of the sites listed provide some or all content at no charge; they are funded by advertising or represent artists who want their material distributed free of charge, or for other reasons. On the other hand, you may find websites offering to sell

content that is not on the list below. So please keep this in mind: just because content is free doesn't mean it's illegal, and just because content is **not** free doesn't mean it's legal.

Other Resources for Legal Downloading

- [Campus Downloading: Legal Sites](#)
- [MPAA Legal Options for Movies & TV Shows](#)

Legal Downloading Sources of Online Content (Updated 10/2012)

- [ABC.com TV Shows](#)
- [\[adult swim\] Video](#)
- [Amazon MP3 Downloads](#)
- [Amazon Instant Video](#)
- [AOL Music](#)
- [ARTISTdirect Network](#)
- [AudioCandy](#)
- [Audio Lunchbox](#)
- [BearShare](#)
- [Best Buy](#)
- [BET](#)
- [Blip.fm](#)
- [Blockbuster on Demand](#)
- [Bravo Videos](#)
- [Buy.com](#)
- [Cartoon Network Video](#)
- [Catsmusic](#)
- [CBS Video](#)
- [CD Baby](#)
- [Christian MP Free](#)
- [CinemaNow](#)
- [Clicker \(formerly Modern Feed\)](#)
- [Comedy Central Video](#)
- [Crackle](#)
- [Criterion Online](#)
- [The CW Video](#)
- [Dimple Records](#)
- [DirecTV Watch Online](#)
- [Disney Videos](#)
- [Dish Online](#)
- [Download Fundraiser](#)
- [DramaFever](#)
- [The Electric Fetus](#)
- [eMusic.com](#)
- [EPIX](#)
- [ESPN360](#)
- [EZTakes](#)
- [Fandor](#)
- [Film Fresh](#)
- [FOX on Demand](#)
- [FX Networks Video](#)
- [FYE](#)
- [Gallery of Sound](#)
- [GameFly](#)
- [GameTap](#)
- [HBO GO](#)
- [Hulu Movies & TV](#)
- [iLike](#)
- [iMdb Video](#)
- [iMesh](#)
- [Independent Records & Videos](#)
- [iTunes Movies, Music, & TV](#)
- [Jaman](#)
- [Jamendo](#)
- [Jaroo](#)
- [Lala](#)
- [Last.fm](#)
- [Latinoise](#)
- [LifeWay Music](#)
- [Liquid Digital Media](#)
- [Listen.com](#)
- [Magnatune](#)
- [MediaNet](#)
- [Mindawn](#)
- [MOG](#)
- [MovieFlix](#)
- [mSpot Movies](#)
- [MTV Music](#)
- [MTV Video](#)
- [Music Millennium](#)
- [MusicRebellion](#)
- [Muve Music](#)
- [myLifetime Video](#)
- [MySpace Music](#)
- [Napster](#)
- [NBC Video](#)
- [Netflix Movies & TV](#)
- [Neurotic Media](#)
- [Nick.com Videos](#)
- [Nick Jr. Video](#)
- [Pandora](#)
- [PBS Kids Go! Video](#)
- [PlayStation Store](#)
- [Plurent](#)
- [Public Domain Torrents](#)
- [PureVolume](#)
- [RCRD LBL](#)
- [Rdio](#)
- [Record & Tape Traders](#)
- [Reeltime Television Network \(RTVN\)](#)
- [Rhapsody](#)
- [Road Runner Video Store](#)
- [Showtime Previews](#)
- [Slacker](#)
- [Sony Entertainment Network](#)
- [South Park Episode Player](#)
- [Spinner](#)
- [Spotify](#)
- [Steam](#)
- [Superpass](#)
- [TBS Videos](#)
- [Thumbplay Music](#)
- [TheWB](#)
- [TidalTV](#)
- [TNTdrama.com](#)
- [Top Hits Entertainment](#)
- [TV.com](#)
- [TVLand Video](#)
- [USA Network Full Episodes](#)
- [Uverse Online](#)
- [VEVO](#)
- [VH1 Videos](#)
- [Vudu](#)
- [Walmart Movies & TV](#)

- [Walmart MP3 Music Downloads](#)
- [Windows Media Guide](#)
- [X Factor USA](#)
- [Xfinity TV](#)
- [Yahoo! Music](#)
- [YouTube Music](#)
- [Zulu](#)