

Illegal File Sharing at UA Fort Smith

Sharing and downloading copyrighted music, movies, and games from the Internet without proper authorization is considered piracy—a violation of federal copyright laws and UA Fort Smith policy. In addition, the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA) have been successfully suing file sharers all over the United States.

Piracy

Piracy refers to the illegal copying, distribution, or use of software, music, movies or any other media that can be digitally stored and transferred. Illegal piracy causes significant lost revenue for publishers, which in turn results in higher prices for the consumer.

Four Categories of Piracy

Social Piracy: The unauthorized duplication of only the media, not the packaging, original art, label, title, etc. There is no pretense that these are legitimate products. Examples of social piracy include mixed discs that friends share with one another and software applications that are copied for coworkers.

Counterfeit Piracy: The unauthorized copies of media as well as the unauthorized duplication of original artwork, label, trademark, and packaging. Counterfeits are passed off as legitimate and are often used by the pirate for monetary gain.

Bootleg Recording: The unauthorized recordings of live concerts, movies, or musical broadcasts on radio or television.

Online Piracy: The unauthorized uploading of copyrighted material to be made available to the public. Downloading copyrighted material from an Internet site or a Peer-to-Peer network is illegal. Most of the piracy on the Internet is carried out using Peer-to-Peer (P2P) network applications such as Kazza, eMule, BitTorrent and Gnutella. While these programs can facilitate quick and easy sharing of files, using them to share copyrighted files is prohibited by UA Fort Smith policy, State, and Federal Laws.

UA Fort Smith Policy

UA Fort Smith's electronic communications policy prohibits the use of IT resources for illegal purposes, such as piracy of intellectual property. More specifically, the University prohibits the use of P2P file sharing applications for the illegal acquisition or sharing of music, movies, games, and the like. Consequently, P2P file sharing applications commonly used for illegal purposes may be blocked on the UA Fort Smith network using technology-based deterrents.

What happens when you get caught?

If the allegation appears credible, your network account will likely be suspended, and you will be notified by a UA Fort Smith employee of the violation and the need to meet with a staff member. For more serious or repeat offenses, a referral to Office of the Vice Chancellor for Student Affairs will be made and a formal Student Conduct hearing may be held. Possible sanctions for violations include a loss of network privileges, and for Student Conduct cases, additional sanctions such as university probation or even suspension from the university.

Infringers are also subject to serious civil and/or criminal liabilities. The RIAA, MPAA, Entertainment Software Association (ESA), and others actively search the Internet, including the UA Fort Smith's network, for illegal file-sharing under the auspices of the Digital Millennium Copyright Act (DMCA). They actively pursue infringers and have successfully sued many people or settled out of court for

substantial sums of money. Criminal penalties for violation of federal copyright law include fines up to \$1 million and a maximum jail sentence of 10 years.

UA Fort Smith has procedures it follows when notified of an alleged copyright infringement under the DMCA. After confirming the infringing activity, network access for the computer involved in the illegal activity is blocked and the infringement notice is passed on to the owner of the computer. This may prompt other university action as well, such as a referral to the Student Conduct system.

Additional Dangers

In addition to the legal and policy issues related to downloading music from unauthorized sources on the internet, many new viruses and worms also proliferate across P2P networks. It is possible to download a file that appears benign and end up with a malicious program that takes control of your computer.

Not only are there malicious programs masquerading as downloadable files but sometimes the illicit file sharing programs themselves can cause problems. File sharing consumes shared bandwidth which can significantly slow down other Internet-related activities for you and others on the UA Fort Smith network. Also, if the program is incorrectly configured, it may even share files on your computer that you never intended anyone else to see like bank records, personal information, or confidential University data.

Legal Alternatives

The alternative to illegal file sharing is simple--Buy it!

Several services are available that allow you to pay for the music, movies or television shows on a per-item basis, or through an "all you-can-consume" monthly fee.

Most of these services include licenses with each song that allow you to copy the song to multiple listening devices and store it on your computer, (not a computer owned by UA Fort Smith), for your personal use only. Furthermore, these pay-per-download services charge as little as 50 cents per song or a few dollars for movies, and they have hundreds of thousands of selections in their catalogs.

Here is a listing of legal audio and video sites:

- ABC.com TV Shows
- Amazon MP3 Downloads
- Amazon Video on Demand
- Amie Street
- AOL Music
- ARTISTdirect Network
- AudioCandy
- Audio Lunchbox
- BearShare (version 6 or higher)
- Best Buy
- BET
- Blip.fm
- Blockbuster Online
- Bravo Videos
- Buy.com
- Cartoon Network Video
- Catsmusic
- CBS Video
- CD Baby
- CinemaNow
- Clicker (formerly Modern Feed)
- Comedy Central Video
- Criterion Online
- The CW Video
- Dimple Records
- Discovery Channel Videos
- Disney Videos
- Download Fundraiser
- The Electric Fetus
- eMusic.com
- ESPN360
- EZTakes
- Fancast
- FOX on Demand
- FX Networks Video
- FYE
- Gallery of Sound
- GameFly
- GameTap
- Hulu Movies and TV
- iLike
- IMDb Video
- imeem
- iMesh
- Independent Records and Videos
- iTunes Movies, Music, and TV
- Jaman
- Jamendo

- Joost Movies & TV
- Lala
- Last.fm
- Latinoise
- LifeWay Music
- Liquid Digital Media
- Listen.com
- Magnatune
- MediaNet
- Mindawn
- MOG All Access
- MovieFlix
- MP3.com
- MTV Video
- Music Millennium
- MusicRebellion
- myLifetime Video
- MySpace Music
- Napster
- NBC Video
- Netflix Movies & TV
- Neurotic Media
- Nick Jr. Video
- Pandora
- PBS Kids Go! Video
- PlayStation Store
- Pro-Music
- Public Domain Torrents
- Qtrax
- Record & Tape Traders
- Reeltime Television Network (RTVN)
- Rhapsody
- Slacker
- South Park Episode Player
- Spinner
- Spotify
- Steam
- Superpass
- TBS Videos
- TheWB
- TidalTV
- TNT DramaVision
- Top Hits Entertainment
- TV.com
- TVLand Video
- USA Network Videos
- VH1 Videos
- Walmart Movies and TV
- Walmart MP3 Music Downloads
- Windows Media Guide
- Xbox Live Marketplace
- Yahoo! Music
- Zune

Additional Resources

For your convenience here is a 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 copyright.gov/help/faq.

There are several other sites that have more information on piracy and what you can do to keep from violating these laws:

campusdownloading.com mpaa.org/piracy.asp

riaa.com/physicalpiracy.php theesa.com/policy/antipiracy.asp