

To: LTSG Students, Faculty and Staff
From: Donald Redman, Director of Information Systems
Date: 08/22/11
RE: Peer to Peer (P2P) file sharing and copyright compliance

H.R 4137, the Higher Education Opportunity Act (HEOA), is a reauthorization of the Higher Education Act. It includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing.

As part of the LTSG's compliance with this act I would like to take a few moments of your time to discuss the implications of illegal P2P file sharing of copyrighted works which can include but are not limited to music, video/movies, games and software applications.

LTSG Information Technology (IT) Policies strictly prohibit use of Seminary resources for illegally obtaining or distributing copyrighted works without the copyright holder's permission. Please take the time to review the LTSG IT Policies attached to this letter. P2P file sharing applications are the most common way that illegal materials are distributed. A simple rule of thumb is that if you are looking for something on a P2P network in order to avoid having to pay for the product you are probably making an illegal download. While many older works are in the public domain and can be freely distributed, most recent music, video or software is not.

Violations of copyright law can lead to criminal charges and civil penalties. Under current copyright law, criminal cases of copyright violation carry a penalty of up to five (5) years in prison and a \$250,000 fine. Civil penalties for copyright infringement include a minimum fine of \$750 for each work. Please note that while criminal prosecution for illegal downloading are rare, civil law suits are quite common.

Current copyright law allows for what is known as the "Fair Use" of copyrighted materials for educational and other approved purposes. However, the definition of Fair Use is often ambiguous and is frequently determined in a court of law when a copyright case is brought against a potential infringer. The library staff can assist you in determining if your use of a copyrighted work for educational purposes falls safely under the current understanding of Fair Use.

There is also a growing movement of content creators who believe information should be free and that encourages people to make materials they create free and open to the public. You also have the right to encourage others to do so. I recommend learning about the Creative Commons movement if you are interested in what is being done along this front. This does not limit anyone's right or ability to copyright their work, but instead encourages an open sharing of information in a way that still protects the concept of authorship.

In addition to a copy of this letter, the following additional resources are available on the LTSG IT Department Webpage.

- Information Technology Policies
- HEOA 2008 P2P Compliance Policy
- Legal alternatives to illegal file sharing
- Summary of the penalties for violation of Federal copyright laws
- A link to additional information about Creative Commons

If you have any additional questions, concerns or comments please contact me via email at dredman@ltsg.edu . If you have questions concerning Fair Use of materials in the classroom please contact Briant Bohleke in the Wentz Library.

Donald Redman
Director of Information Systems