

October 12, 2011

TO: NC State University Students

FROM: Warwick A. Arden, Provost and Executive Vice Chancellor

SUBJECT: Illegal peer-to-peer file sharing notice

This annual notice is to alert NC State University students of the personal risks and legal consequences involved with unauthorized distribution of copyrighted materials, including illegal peer-to-peer (P2P) file sharing.

Music, movies, videos, games and other files are protected by (or subject to) copyright law and are usually illegal to share through P2P applications, unless direct permission through license, purchase, the copyright owner or a legal exception, such as the Fair Use doctrine (<http://www.copyright.gov/fls/fl102.html>), applies. While P2P file sharing software, itself, may be lawful, sharing copyrighted files without permission is not. In the file-sharing context, downloading or uploading even small parts of a copyrighted work without permission constitutes a copyright infringement. File sharing also creates the substantial risk that others will gain access to confidential data on your computer or will plant destructive computer viruses that can possibly spread across the university's network.

If you illegally download, upload, copy or distribute music recordings, movies, videos, games, photos, or other copyrighted content, even unintentionally, you are at risk for civil litigation and criminal prosecution, which may result in severe fines or prison time. You are also at risk for university disciplinary actions under the Code of Student Conduct.

Under federal law, civil and criminal penalties for copyright infringement include:

- 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. 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.
- A court can, in its discretion, also assess costs and attorneys' fees.

Incidents of illegal file sharing among students are increasing, and the opportunity to get caught is greater than ever. From August 2010 to July 2011, the university received 2,403 copyright infringement notices related to illegal file sharing. Copyright holders, such as the Recording Industry Association of America (RIAA) and the Motion Picture Industry of America (MPAA), are using automated methods to aggressively identify infringements, and even small amounts of file sharing can be detected through emerging technologies.

In compliance with the Digital Millennium Copyright Act (DMCA) of 1998 and the Higher Education Opportunity Act (HEOA) of 2008, the university takes quick action when notified of alleged copyright infringements occurring on the campus network. NC State also seeks to deter the use of peer-to-peer file transfers for illegal purposes up to and including the implementation of technology-deterrent applications that could monitor traffic content. Incidents will be referred to appropriate campus officials, and steps will be taken to stop unauthorized downloading or distribution of copyrighted materials. A copyright violation may result in a permanent record at the university and may serve as evidence in court. Such a record or finding could adversely affect your current status at NC State, as well as future employment or educational opportunities.

For more information about copyright infringement, please visit the U.S. Copyright Office website at <http://www.copyright.gov> and its FAQ's Web page at <http://www.copyright.gov/help/faq>. To learn more about P2P file sharing and legal alternatives, visit NC State's Peer-to-Peer File Sharing website at <http://oit.ncsu.edu/p2p>. For assistance with removing P2P file sharing applications and copyright infringing materials, contact the NC State Help Desk at 515-HELP (4357).