

MEMORANDUM

TO: All NC State University Students

FROM: Warwick A. Arden, Executive Vice Chancellor and Provost
Marc I. Hoit, Vice Chancellor for IT and CIO

SUBJECT: Illegal Peer-to-Peer File Sharing Annual Notice

DATE: October 12, 2016

NC State University students are reminded of the personal risks and legal consequences of unauthorized distribution of copyrighted materials, including illegal peer-to-peer file sharing. Students are expected to respect the intellectual property rights of others and refrain from copyright infringement.

Federal copyright law protects online media such as music, movies, videos, or games. Unless you have permission, it is illegal to use peer-to-peer applications to share copyrighted media online. You may obtain permission in several ways, via:

- Copyright owner
- Software license
- Purchase
- A legal exception, such as the Fair Use doctrine, see: <http://www.copyright.gov/fls/fl102.html>

Although it may be lawful to use peer-to-peer file sharing software itself, the illegal distribution of copyrighted files with that software is not. In many situations, either downloading or uploading even part of a copyrighted work without permission is copyright infringement. Peer-to-peer file sharing also increases the likelihood that others could access confidential data on your computer or install destructive computer viruses that could spread across the university's network.

If you illegally download, upload, copy, or distribute copyrighted content, even unintentionally, you are at risk for serious penalties. For example, a former Boston University graduate student was fined \$675,000 for illegally downloading and sharing 30 digital songs online (see Sony BMG Music Entertainment, et al. v. Joel Tenenbaum, 719 F.3d 67 (1st Cir. 2013)). Further, your choice to infringe on someone's copyright could prompt the university to take disciplinary action against you under the Code of Student Conduct. The permanent record of such discipline could adversely affect both your academic and your professional careers.

Copyright holders such as the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA) use automated detection systems to identify copyright infringements. In addition, the university is increasing logging and analysis of activity on its wireless network to include monitoring of peer-to-peer file sharing. The university acts quickly when notified of alleged copyright infringements. It refers incidents to appropriate campus officials and takes steps to stop the unauthorized download or distribution of copyrighted materials.

Use the resources below to inform yourself about copyright and copyright infringement. Ignorance is no excuse.

- NCSU REG 01.25.02: Copyright Infringement-Policy Statement: <http://policies.ncsu.edu/regulation/reg-01-25-02>
- Peer-to-Peer (P2P) File Sharing and a list of legal alternatives: <http://oit.ncsu.edu/p2p>
- U.S. Copyright Office: <http://www.copyright.gov>
- Office of the Provost, Copyright Administration: <http://www.provost.ncsu.edu/copyright>
- NC State Assistant General Counsel: Student Legal Services, (919) 515-7091

If you need help removing P2P file sharing applications and/or copyright-infringing materials, contact the NC State Help Desk at 515-HELP (4357).