

Copyright Infringement Policy

Effective: October 1, 2015

Policy Statement:

Intellitec College (“Intellitec”) respects the work of third parties and all rights, including copyright, associated with such works. 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. All users of the Intellitec online educational platform, including instructors, administrators, staff, students and any other person accessing the platform (each a “User”) must comply with this Copyright Infringement Policy (“Policy”) and all applicable laws, rules, regulations, and guidelines including, but not limited to, federal copyright law, that governs the copying, display, and any other uses of intellectual property in any form and on any medium (“Applicable Laws”).

Scope of Policy:

All IntelliTec employees, consultants, contractors, and students are covered by this policy.

Policy:

Copying, distributing, downloading, and uploading content on the Internet may infringe a content owner’s copyright. Even an innocent, unintentional infringement violates the law. Any User who repeatedly violates this Policy, including by misusing another person’s or entity’s copyrighted work on or over Intellitec's networks or other computer resources, will have their computer account and other access privileges terminated by Intellitec.

Intellitec College will cooperate fully with any investigation by public authorities related to illegally downloaded copyrighted information.

Students found guilty will be subject to the full extent of fines and penalties imposed. 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 attorney 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.

Before using, copying, uploading, posting, distributing—including, without exception, distributing online—or otherwise making any protected content, material, or other work (“Content”) available online or otherwise available for distribution (collectively, to “Distribute”), Users must obtain all proper permissions from the legal owners of the rights in the Content.

For questions regarding obtaining proper permissions, Users should contact the Intellitec IT Director. Any User's failure to comply with this Policy may result in disciplinary action up to and including suspension from college.

Intellitec responds promptly to legitimate notices or letters of illegal copyright infringement based on the requirements of the Digital Millennium Copyright Act and directs both our Information Technology and Regulatory Compliance departments to investigate and respond.

Intellitec College does not block access from campus to all legitimate sources of copyrighted material. Although we cannot maintain an up-to-date list of alternatives we can point students to the Educause website at <http://www.educause.edu/legalcontent/>.

Examples of Copyright-protected Content:

Educating consumers is a very important element in combating illegal sharing of copyrighted material. See below for additional clarifying information.

- Copyright-protected content includes any original work of authorship (including works of literature, drama, music, art, and certain other intellectual works) expressed in writing or some other means of fixed expression (such as a sound recording or film), whether published or unpublished.
- In general, the creator of content is the copyright owner.
- Published copyright-protected content will typically include "©" however, such marking is not required to convey copyright protection.
If in doubt, do not distribute any content without first obtaining permission from the owner of the rights in the content.

Further Restrictions:

In addition to the restrictions imposed by Applicable Laws and Intellitec's website use policies, unless a User obtains proper permissions, the User must not:

- Use copyrighted materials on the Intellitec premises at any time. This includes showing a DVD, Blu-Ray, VHS, etc., of any copyrighted films, music, movies, powerpoint presentations, or other recorded performance of any kind in any medium.
- Distribute software, including, but not limited to, burning copies of software onto any form of storage device without review and permission from Intellitec's IT Director.
- Download movies, music, or other media, or store them on Intellitec's equipment at any time, even for personal use of the materials, such as digital music.
- Store any form of copies of copyrighted materials on Intellitec equipment including, without limitation, on servers, desktop or laptop PCs, hard drives, flash drives, or any other device with storage capabilities.
- Disable, remove or otherwise delete any notice of copyright or security measures that restrict Distribution of any Content.