



DENMARK TECHNICAL COLLEGE

ADMINISTRATIVE POLICY # 03.10.06.01 (2020) COPYRIGHT INFRINGEMENT AND SANCTIONS

Policy Title: Copyright Infringement and Sanctions

Policy Type: Administrative

Policy Number: ADM Policy # 03.10.06.01 (2020)

Legal Authority: Section 59-53-51 of the 1976 Code of Laws of South Carolina, As Amended

State Board Policy: Policy 1-3-100

Approval Date: 4/20/2020

Responsible Office: Library Services

Responsible Executive: Vice President of Academic Affairs

Applies to: College Community

POLICY STATEMENT:

It is the policy of Denmark Technical College that all administrative personnel, faculty, staff, and students will adhere to and respect the provisions of the copyright law, Title 17, U.S. Code. This policy is to include but not be limited to all federal copyright laws that precede and succeed the Digital Millennium Copyright Act of 1998.

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DEFINITIONS

Copyright Infringement is defined as the copying, distribution or sharing of copyrighted works (including music, videos, and digital copies of textbooks) without permission and may be referred to as “pirating” or, in the electronic context of peer-to-peer networks, “illegal file sharing”. This infringement is considered as a federal offense, as it is under the federal Copyright Act, 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.

CONTACT(S)

The Dean of Library Resources will officially interpret this policy. The Vice President of Academic Affairs is responsible for obtaining approval for any revisions as required through the appropriate governance structures. Questions regarding this policy should be directed to the Office of Academic Affairs.

STAKEHOLDER(S)

College Community: to include administrative personnel, faculty, staff, and students.

POLICY CONTENT

Copyright is all about balancing the rights of authors with the rights of the public to use the work without seeking permission or paying royalties. Under copyright, authors have the right to control the use of their work subject to exceptions permitted under the law. If the use exceeds such exceptions, then infringing on someone's copyright can result in the infringer paying money damages (civil liability) and/or going to prison (criminal liability).

The unauthorized copying, sharing or distribution of copyrighted material is strictly prohibited. It is a violation of federal law, the Copyright Act, and of the Code of Student Conduct. Students who infringe a copyright are subject to disciplinary action under the Code of Student Conduct, up to and including expulsion. Employees may be subject to disciplinary action ranging in severity from a warning up to and including termination of employment.

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Penalties for Copyright Infringement

Penalties for copyright infringement include civil and criminal penalties. Anyone found liable for civil copyright infringement may be ordered to pay either actual damages or

statutory damages of not less than \$750 and not more than \$30,000 per work infringed. A court may award up to \$150,000 per work infringed for willful infringement. A court can also assess others costs and attorneys' fees.

Willful copyright infringement can also result in criminal penalties, including imprisonment up to 5 years and fines up to \$250,000 per offense. More information can be found at www.copyright.gov.

There are three elements that must be in place in order for the infringement to occur:

1. The copyright holder must have a valid copyright.
2. The person who is allegedly infringing must have access to the copyrighted work.
3. The duplication of the copyrighted work must be outside the **exceptions**.

The legal penalties for copyright infringement are:

1. Infringer pays the actual dollar amount of damages and profits.
2. The law provides a range from \$200 to \$150,000 for each work infringed.
3. Infringer pays for all attorney fees and court costs.
4. The Court can issue an injunction to stop the infringing acts.
5. The Court can impound the illegal works.
6. The infringer can go to jail.

This policy applies to all students, faculty and staff of Denmark Technical College, as well as any other individual who may act on behalf of the college or in an official capacity. Users of the College's network must agree to be bound by this policy.

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Peer to Peer (P2P) File Sharing

In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without the permission of the copyright holder constitutes infringement. File sharing is the sharing of computer data in a network. It allows a number of people to use the same data and may allow them to read it, view it, copy it, download it, modify it or print it. Typically, file sharing is not illegal. However, using it for the sharing of copyright protected music, movies, video games, photographs or other works without permission could be a violation of copyright law.

Music, video game, and film producers as well as producers of other creative works take this issue very seriously and have pursued college students in court for significant damages related to illegal file sharing and downloading. In addition to legal damages and penalties that can be imposed, illegal file sharing and downloading violates the Denmark Technical College Acceptable Use Policy and could subject a student to disciplinary action as well.

PLAGIARISM

Copyright infringement and plagiarism are two different issues. Copyright is a federal law that protects original works from being copied and distributed without the author's permission unless one of the exceptions applies. Plagiarism is passing off someone else's work as one's own or lack of attribution. There is no federal or state plagiarism law but there can certainly be severe repercussions for plagiarizing.

Copyright infringement example: Incorporating an entire poem by Maya Angelou into a published work without her permission. The poem is properly attributed to Ms. Angelou.

Plagiarism example: Using a line or even an entire poem by Maya Angelou in a paper and not attributing the poem to the author or citing the source. It would appear that the poem is the creation of the person writing the paper and not Maya Angelou.

For more information on plagiarism, see Purdue's Online Writing Lab at <http://owl.english.purdue.edu>

As required by the Digital Millennium Copyright Act, Denmark Technical College has designated an agent to receive notification of claimed infringement on its website. Please notify our copyright agent:

- Carolyn Fortson, Dean
Learning Resource Center Denmark Technical College
E-mail: fortsonc@denmarktech.edu
Phone: 803-793-5213

TITLE: POLICY CONTENTS PUBLICATION

The policy will be widely distributed to the College community. To ensure timely publication and distribution thereof, the Vice President of Academic Affairs will make every effort to:

- Communicate the policy in writing, electronically, or otherwise to the College community, including current and prospective students within fourteen (14) days of approval;
- Submit this policy for inclusion in the Policy Library within fourteen (14) days of approval;
- Post the policy on the College's webpage and all other related webpages, in the student handbook, and the College catalog; and
- Educate and train all stakeholders and appropriate audiences on the policy's content as necessary.

REVIEW SCHEDULE

- Next Scheduled Review: 04/20/2023
- Approval by, date: Area Commissioners, N/A

- Revision History: None
- Supersedes: N/A

RELATED DOCUMENTS

There are no related documents associated with this policy.

FORMS

Correction of Grade Form (formerly, Change of Grade Form)