

**SOUTHERN CALIFORNIA UNIVERSITY OF HEALTH SCIENCES**

**COPYRIGHT POLICY**

Copyright Infringement Policies and Sanctions (Including Computer Use and File Sharing)  
All Participating Title IV Schools 34 CFR 668.43(a)(10)

Schools must readily make available to current and prospective students the school's policies and sanctions related to copyright infringement, including:

- A statement that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject them to civil and criminal liabilities
- A summary of the penalties for violation of federal copyright laws
- The school's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the school's information technology system

**COPYRIGHT OVERVIEW**

Southern California University of Health Sciences (SCU) faculty, staff, and students are expected to act in accordance with all federal laws and provisions of the Copyright Law of the United States and related laws contained in Title 17. Students and personnel who utilize copyrighted works, whether they are in print or electronic form, or produced in another medium, are required to adhere to copyright law.

Copyright law prohibits the unauthorized use of copyrighted material without the owner's express consent. The copyright owner, whether that be an author, creator, or publisher, maintains exclusive privilege in reproducing, distributing, and publicly presenting copyrighted works. The law safeguards the owner's control over their work and prevents others from illegally reproducing and distributing copyrighted materials for any unapproved purposes. Examples of copyrighted materials include but are not limited to books, music, movies, photographs, digital files, and web pages.

Please reference the following website for more information:

[Copyright Law of the United States \(Title 17\)](#)

**PEER-TO-PEER FILE SHARING**

SCU is committed to deterring and preventing the unauthorized distribution of copyrighted material and prohibits the use of the institution's network to illegally share copyrighted works. The Digital Millennium Copyright Act of 1998 amended U.S. copyright law and prohibits technologies and services that allow unrestricted access to copyrighted works. Digitally sharing copyrighted materials such as files, media, or software via downloading, uploading, or file sharing is illegal and prohibited by SCU. Peer-to-peer file sharing is the transfer or exchange of files via the Internet by use of client software that includes programs such as BitTorrent, Gnutella, uTorrent, and Vuze. Transferring files over the SCU network using peer-to-peer file sharing software is strictly prohibited and may result in a violation of the SCU Student

Code of Conduct. Furthermore, peer-to-peer file sharing constitutes copyright infringement and violates SCU policy as well as federal law, which may result in civil and criminal penalties.

Please reference the following website for more information:

[The Digital Millennium Copyright Act of 1998](#)

Per the U.S. Copyright Office:

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.

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 attorneys' 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](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq)

## **FAIR USE**

The Copyright Law of the United States grants exceptions regarding the use of copyrighted materials under the Fair Use Doctrine ([Section 107](#)). Examples of activities that qualify as fair use include as commentary, teaching, scholarship, and research.

According to law, a copyrighted work can be used if it falls under one of the following factors:

- Purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes
- Nature of the copyrighted work
- Amount and substantiality of the portion used in relation to the copyrighted work as a whole
- Effect of the use upon the potential market for or value of the copyrighted work

To summarize, portions of copyrighted materials are permitted to be reproduced and distributed for educational, non-commercial purposes.

Please reference the following website for more information:

[U.S. Copyright Office Fair Use Index](#)