


Subject 2010 Official Notice Regarding Copyright Violations

From owner-announce-uh-plus-rcuh-scopis@lists.hawaii.edu ; on behalf of; UH Information Technology Services <announce@HAWAII.EDU> 

Date Monday, October 4, 2010 5:21 pm

To announce@HAWAII.EDU

In accord with the U.S. Higher Education Opportunity Act of 2008, the University of Hawaii is now required to provide this annual notification regarding copyright violations.

Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject you to personal civil and criminal liabilities. This may include downloading, uploading or sharing of music, videos, games, software or books for which you do not have permission. Illegal sharing of copyright materials also violates UH policy E2.210: Use and Management of Information Technology Resources.

The University of Hawaii encourages the use of legal alternatives to unauthorized downloading. EDUCAUSE has compiled an extensive list of such alternatives, many of which are free, and maintains it at: <http://www.educause.edu/legalcontent>

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 <http://www.copyright.gov> especially their Frequently Asked Questions (FAQ) at: <http://www.copyright.gov/help/faq>

It is the policy of the University of Hawaii to investigate complaints of copyright violation filed in compliance with the Digital Millennium Copyright Act. The University uses the following procedures

* The infringing computer will be blocked immediately from accessing the University of Hawaii's network.

* If the computer associated with the copyright violation activities can be linked to an individual or responsible authority, they will be

notified that:

- all unauthorized copies of any copyrighted materials must be removed immediately; and

- the user must contact and meet with a campus representative or the UH Information Security Officer & sign the UH Copyright Notification Letter.

- infringing users are advised that their actions may also have violated the University of Hawaii Systemwide Student Conduct Code or other applicable policies and disciplinary action may be taken.

* If the complaint is found to be a REPEAT OFFENSE, in addition to receiving another copyright infringement notice, an official complaint will be filed with the appropriate Dean and/or Director requesting disciplinary action and sanctions in accordance with University due process. This complaint may appear on the individual's permanent University records.

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- All faculty, staff, and students at all campuses