

PEER TO PEER FILE SHARING

UMUC Peer to Peer Notification

Unauthorized use of copyrighted materials may bring civil and criminal penalties to the user. UMUC is committed to combating the unauthorized use of copyrighted materials on UMUC's network, and therefore, has established a written plan to achieve this goal. The intent of this plan is to inform UMUC students, faculty, and staff members of the appropriate use of copyrighted material on the network and to deter, detect, and discipline prohibited use, while reasonably maintaining the educational use of UMUC's network.

Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws

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, especially their FAQ's at www.copyright.gov/help/faq.

UMUC Procedures for Handling Unauthorized Distribution

UMUC implements an active protocol to respond to copyright infringement allegations. In accordance with the Digital Millennium Copyright Act ("DMCA"), UMUC has designated the following individual to receive and respond to reports of alleged copyright infringement on UMUC's website:

Maureen David
Vice President and General Counsel
University of Maryland University College
3501 University Boulevard East
Adelphi, Maryland 20783
301-985-7407
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In order to be effective under the DMCA, a notification of claimed infringement must be in writing and include the following information:

1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
2. Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;
3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material;

4. Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted;
5. A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
6. A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Once an effective DMCA takedown request is submitted, UMUC will act expeditiously to remove or block access to the infringing material.