

Is my status as a student at risk?

All University of Illinois students are subject to the Student Code (www.admin.uiuc.edu/policy/code/) and policy on appropriate use of the computer network (www.cio.uiuc.edu/policies/copyright/). The Student Code: Section 1-302.n.6 (as of Fall 2008) proscribes:

(6) the use of computing facilities and resources in violation of copyright laws

If your illegal downloading is brought to the attention of the University of Illinois, you can expect your computer to be removed from the network immediately.

Privileges will not be restored until you have gone through the disciplinary process with the Office of Conflict Resolution (www.conflictresolution.uiuc.edu/). This can take up to two weeks.

The minimum disciplinary sanction for a first offense is likely to be a University Reprimand as part of your University record, which would be maintained in your discipline file for one year. Repeated violations could result in more serious sanctions.

University links:

CITES - Filesharing

www.cites.illinois.edu/security/filesharing

Student Discipline

333-3680

www.conflictresolution.illinois.edu

Student Legal Service

333-9053

www.odos.illinois.edu/sls

STUDENT LEGAL SERVICE

324 Illini Union (north tower)

Office hours: 8:30am-Noon; and 1:00-4:30pm, M-F

www.odos.illinois.edu/sls

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Resources

US District Court 373-3850
201 S. Vine St., Urbana

RIAA (Recording Industry Assn. of America)
riaa.org/physicalpiracy.php

MPAA (Motion Picture Assn. of America)
mpaa.org

Original Works of authorship fixed in tangible form may be copyrighted, including:

Literary works,
Musical works,
Sound recordings,
Dramatic works,
Pantomimes & choreographic works
Pictorial, Graphic & Sculptural works,
Motion Pictures & other Audiovisual works.

REMEMBER:

A copyright protects original literary and artistic property.

With few exceptions, the owner of a copyright has exclusive right to publish, sell, and distribute the work.

THE INFORMATION CONTAINED HEREIN IS NOT INTENDED AS A SUBSTITUTE FOR LEGAL ADVICE. STUDENTS WHO ARE CONFRONTED WITH LEGAL PROBLEMS OR WHO NEED SPECIFIC ADVICE ARE ENCOURAGED TO SEEK ASSISTANCE FROM A LICENSED ATTORNEY.



Illegal Downloading a/k/a Internet Piracy



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Your computer and copyright

The U.S. Constitution, Article 1, Section 8, gives Congress the power to grant copyright protection to authors. The Copyright Act protects recorded music, motion pictures, software, as well as tangible writings. Many, if not most, websites, including blogs, are not subject to copyright protection.

You should always check to see if the site contains restriction on use or an explicit notice of copyright before downloading, forwarding, or otherwise distributing the material.

Not everything on the Web is free; make sure it is before you use peer-to-peer (P2P) programs or otherwise share material.



So what! Nobody gets caught!

Do not buy into the campus myth that illegal file sharing will not be noticed. The Recording Industry Association of America (RIAA) and the Motion Picture Association of American (MPAA) specifically target college students who engage in P2P file sharing.

Over 20,000 lawsuits have been filed as of July 1, 2008. The RIAA has been particularly aggressive in seeking out copyright infringement by college students.

The RIAA and other copyright holders use sophisticated methods to discover student violators and can track the violation to your IP address.

Every semester numerous U of I students get caught because they were fooled into believing that nobody gets caught.

When you get caught

If you do not have the copyright owner's permission to copy or in any way share the material, you can be charged with a federal crime and, if convicted, receive up to five years in prison and a \$250,000 fine.

Criminal prosecution of college students for "illegal downloading" is very rare; however, civil suits for damages are common and are routine on some campuses. The minimum penalty for each song downloaded is \$750.00.

Most students who are caught by RIAA have downloaded hundreds, and in some cases thousands, of songs.

I'm a college student; I can't pay

Copyright holders target college students precisely because they can pay and most do pay. Being "judgment proof" is not a defense to illegal downloading.

The RIAA is usually willing to settle student "illegal downloading" cases for \$3,000.00. If you have downloaded 100 songs, the matter goes to court, and you are assessed the minimum penalty of \$750.00 per song, your debt to RIAA will be \$75,000.00, plus various costs of litigation.

Where proof of copyright violation is valid, settlement is often your best choice. If you are caught, you should contact Student Legal Service or a private attorney.

What do I do?

The easiest thing to do to avoid copyright violation and penalties from illegal downloading is not to install LimeWire, BitTorrent, Kazaa, iMesh, Freenet, or other music or movie file applications of various networks and protocols on your computer.

If you have any such programs on your computer, remove the program and all downloaded materials. You can find a fairly comprehensive list in Wikipedia at en.wikipedia.org/wiki/Peer-to-peer.

Simply disabling the "sharing" or "uploading" feature is insufficient. For help, contact CITES or visit www.cites.illinois.edu/security/filesharing.

If you are caught illegally downloading, removing the share-ware program and downloaded materials is of no legal value and may actually prove your liability. Saying you are sorry doesn't change the facts.

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