

THE NEW YORK SEMINARY

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. The New York Seminary forbids unauthorized distribution of copyrighted material including unauthorized peer-to-peer sharing. Safeguards are in place to prevent unauthorized distribution of copyrighted materials. 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, see the website of the U.S. Copyright Office at www.copyright.gov.

Legal alternatives to obtain copyrighted material include:

- Purchasing the material
- Securing permission from the copyright owner
- Linking to materials on other sites, rather than copying and posting
- Using material in the public domain
- Lawfully using protected materials after a fair use analysis

Students are reminded that even content paid for can be a copyright infringement and that free content is not always an infringement.