



NORTHERN New Mexico College

File Sharing and Copyright Infringement

Faculty, staff, students and affiliates utilizing college infrastructure must comply with U.S. copyright laws. The college reserves the right to remove or limit access to material posted on college-owned computers if it is alleged that U.S. copyright laws have been violated. If the college determines that U.S. copyright laws have in fact been violated, the infringing material will be permanently removed.

FAQ (FREQUENTLY ASKED QUESTIONS): COPYRIGHT LAW AND THE ILLEGAL USE OF FILE-SHARING PROGRAMS

Q: What is copyright?

A: Copyright is legal protection of intellectual property provided by the laws of the United States. Copyright applies to works in all media, not just print, and it covers all forms of a work, including its digital transmission and subsequent use. One of the most common forms of copyright violation involves downloading or sharing songs and movies from the Internet without the express consent of the copyright owner.

Under the copyright law, you could be fined between \$750 and \$150,000 for each work you infringe. In addition, an infringer of a work may also be liable for the attorney's fees incurred by the copyright owner to enforce his or her rights. 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 [U.S. Copyright Office website](#), especially their [FAQs](#).

Q: What is the law concerning digital copyright?

A: The Digital Millennium Copyright Act (DMCA) obligates the College to block access to infringing material when a copyright violation is reported. Members of the community who engage in illegal file-sharing are subject to civil penalties from copyright owners as well as disciplinary action from the College.

Q: Is sharing and downloading music files and videos illegal?

A: File-sharing is illegal when it involves copying or distributing copyrighted materials, usually music and movies, but also TV programs, text, games, software, and images, without permission from the copyright owner.

Q: What kinds of activities violate the federal law?

A: Here are some examples of copyright infringement that may be found on a network:

- You make an MP3 copy of a song because the CD or audio file you bought expressly permits you to do so. But then you offer your copy online using a file-sharing program so others can download it.
- You join a file-sharing network and download unauthorized copies of copyrighted music from the computers of other network members.
- You make a movie or large segment of a movie available on a Web site without permission of the copyright owner.

Q: How is copyright infringement detected?

A: The representatives of copyright owners, such as the Recording Industry of America (RIAA) and the Motion Picture Association of America (MPAA), regularly scan the Internet for file-sharing programs (for example, BitTorrent, Gnutella, and Ares) that exchange music, films, or software belonging to the copyright owners they represent. If copyright infringement is detected, they send a violation notice to the owner of the network where the unlawful file-sharing has occurred. The violation notice contains information that can be used to identify the network location of the offending computer.

Q: What happens if the violation notice leads to your computer?

A: The misuse, unauthorized access to, or destruction of College computing services in violation of applicable laws or College policy may result in sanctions, including but not limited to withdrawal of use privilege; disciplinary action up to and including, expulsion from the college or discharge from a position; and legal prosecution.

Q: How should copyright infringement be reported?

A: You can report or request information on either of the following: 1) Report a problem online form or 2) email Information Technology Services

[Report a Problem](#)
itservice@nnmc.edu

Listed at the Top of NNMC Homepage

The complete Acceptable Computer Use policy is available on [page 51](#) of the following link:

[NNMC Policy 2000 Series \(Acceptable Computer Use Policy pg 51\)](#)