

# BENEDICT COLLEGE

## *Copyright Infringement Policy*

### **PURPOSE:**

The purpose of the Copyright Infringement Policy is to comply with copyright law for the use of copyrighted material on Benedict College's computer systems and networks. In addition, this policy seeks to make aware to all users the seriousness as well as possible consequences for unauthorized use of copyrighted material. It is illegal. For example, the copying/downloading/uploading of copyrighted materials (i.e. music) to other media (i.e., CD's, storage media and networks) from peer-to-peer networks, such as KaZaA, Morpheus or Gnutella, is against the law. Plainly, if users do not own the copyright, distribution of such copyrighted works should not occur. Hence, this is the purpose for this document.

### **SCOPE:**

This policy applies to all users and subscribers of the Benedict College Network (BCNet). Users are required to comply with the legal safeguards provided for copyrighted and licensed works.

### **DEFINITIONS:**

#### **What is Copyright?**

*“Copyright is a form of protection provided by the laws of the United States (title 17, U.S. Code) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:*

- ***To reproduce** the work in copies or phonorecords;*
- *To prepare **derivative works** based upon the work;*
- ***To distribute copies or phonorecords** of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;*
- ***To perform the work publicly**, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;*

- **To display the copyrighted work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work; and**
- **In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.”**

*“In addition, certain authors of works of visual art have the rights of attribution and integrity as described in [section 106A](#) of the 1976 Copyright Act. For further information, request [Circular 40](#), ‘Copyright Registration for Works of the Visual Arts.’*

*“It is illegal for anyone to violate any of the rights provided by the copyright law to the owner of copyright. These rights, however, are not unlimited in scope. [Sections 107 through 121](#) of the 1976 Copyright Act establish limitations on these rights. In some cases, these limitations are specified exemptions from copyright liability. One major limitation is the doctrine of ‘fair use,’ which is given a statutory basis in [section 107](#) of the 1976 Copyright Act. In other instances, the limitation takes the form of a ‘compulsory license’ under which certain limited uses of copyrighted works are permitted upon payment of specified royalties and compliance with statutory conditions. For further information about the limitations of any of these rights, consult the copyright law or write to the Copyright Office.”([www.loc.gov/copyright](http://www.loc.gov/copyright))*

US Copyright Office ([www.copyright.gov](http://www.copyright.gov))

### **What is the Digital Millennium Copyright Act (DMCA)?**

The Digital Millennium Copyright Act, H.R. 2281, was enacted into law on October 28, 1998. This act amended the copyright law to provide regulations for works cited via the World Wide Web (the Internet). To review an on-line copy of this act, please go to <http://lcweb.loc.gov/copyright/legislation/hr2281.pdf>

### **What is Infringement?**

An infringement is “a violation, as of a law, regulation, or agreement; a breach.” It is an “encroachment, as of a right or privilege.”

***Source:** The American Heritage® Dictionary of the English Language, Fourth Edition  
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Published by Houghton Mifflin Company. All rights reserved.*

## **POLICY:**

Benedict College strictly prohibits any and all of the following: copyright, trademark, patent, trade secret or other intellectual property infringement, including but not limited to using any copyrighted names, text or images, offering pirated computer programs or links to such programs, serial or registration numbers for software programs, copyrighted music, etc., as policy on the use of copyrighted material on the Institution's computer systems and networks.

Benedict College respects the copyrights of those involved in creating and distributing copyrighted material, including music, movies, software, and other literary and artistic works. It is the policy of Benedict College to comply with copyright law.

If users utilize copyrighted materials for educational, instructional, research, scholarship and like arenas, the College will follow the legal doctrine of fair use currently a part of the copyright law.

The College's users will not make unauthorized copies of copyrighted material on or using Benedict College computer systems, networks or storage media. The College's users will not store unauthorized copies of copyrighted works using the College's systems, networks and/or storage media.

The College's users should not download, upload, transmit, make available or otherwise distribute copyrighted material without authorization using the College's computer systems, networks, Internet access or storage media. This is inclusive of utilizing unlicensed/unauthorized peer-to-peer file services that would promote copyright infringement.

Benedict College reserves the right to monitor its computer systems, networks and storage media for compliance with this policy, at any time, without notice, and with or without cause. Additionally, the College reserves the right to delete from its computer systems and storage media, or restrict access to, any seemingly unauthorized copies of copyrighted materials it may find, at any time and without notice.

Users who violate this policy are subject to disciplinary action as appropriate under the circumstances. Such disciplinary action may include termination, expulsion and other legal actions.

Certain wording used by permission. [http://www.musicunited.org/Corp\\_Brochure\\_2003.pdf](http://www.musicunited.org/Corp_Brochure_2003.pdf)

## **PROCEDURES:**

### **Notice of Claimed Copyright Infringement**

Violation of policy can expose the user (anyone with access to the BCNet, campus systems and workstations – refer to Computing and Network Acceptable Usage policy) and the Institution to severe civil and criminal liability under the copyright law. Hence, users are required to adhere to the legal safeguards provided by copyright. For questions or concerns related to copyright compliance and claimed copyright infringement, please contact the designated agent for the College.

If there is belief that any faculty, staff, or student of the College has infringed rights of a copyright owner, please contact the designated agent via written notification. A written notice of the claimed copyright infringement, in accordance with the specifications of the Digital Millennium Copyright Act, must include the following information:

1. Contact Information: Complete name, mailing address, email address, phone and fax numbers
2. Identification of the copyrighted work claimed to have been infringed and/or representative listing of copyrighted works claimed to have been infringed
3. Statement that the information in the notice is accurate with electronic or physical signature of the copyright owner or authorized person acting on the behalf of the owner of work claimed to be infringed
4. Additional information supporting claim

### **Agent to Receive Notification of Claimed Copyright Infringement & Guidelines for Use of Copyrighted Materials on the Internet**

The College must designate an "Agent to Receive Notification of Claimed Copyright Infringement". The College's designated agent is **Dr. Godwin Mbamulu**.

Dr. Godwin E. Mbamulu  
Benedict College  
1600 Harden Street  
Columbia, South Carolina 29204  
(email) [copyright@benedict.edu](mailto:copyright@benedict.edu)  
(voice) 803-806-3278

### **Notice and Takedown Procedure**

It is expected that all users of this system will comply with applicable copyright laws. However, if the institution is notified of claimed copyright infringement, or otherwise becomes aware of facts and circumstances from which infringement is apparent, it will respond expeditiously by removing, or disabling access to, the material that is claimed to be infringing or to be the subject of infringing activity.

## **Repeat Infringes**

Under appropriate circumstances, the institution may, at its discretion, terminate the accounts of subscribers and account holders of its system or network who are repeat infringers.

## **Accommodation of Standard Technical Measures**

It is the policy of the College to accommodate and not interfere with standard technical measures. These technical measures are used by copyright owners to identify or protect copyrighted works, such as those developed pursuant to a broad consensus of copyright owners and service providers in an open, fair, voluntary, multi-industry standards process; such as copyrighted works available to any person on reasonable and nondiscriminatory terms; and such as copyrighted works that do not impose substantial costs on service providers or substantial burdens on systems or networks.

## **SOURCES:**

For further information as well as cited sources within this policy, reference the following:

Copyright Use and Security Guide of the Music United Website, [www.musicunited.org](http://www.musicunited.org)

**U.S. Copyright Office**, a part of the Library of Congress  
101 Independence Ave. S.E., Washington, D.C. 20559-6000, telephone (202) 707-3000

### **Recording Industry Association of America**

1330 Connecticut Avenue, NW

Suite 300

Washington, DC 20036

202.775.0101 (phone)

202.775.7253 (fax)

[www.riaa.com](http://www.riaa.com)

### **Motion Picture Association of America**

1600 Eye Street, NW

Washington, DC 20006

202.293.1966 (phone)

[www.mpa.org](http://www.mpa.org)