

Digital Millennium Copyright Act (DMCA) Policy/Procedures

When a copyright violation is discovered, copyright holders or their agents may report the alleged infringement to the Internet Service Provider (ISP) where the IP address of the infringer is registered. Spencerian College is required to respond to complaints from copyright holders, and organizations representing copyright holders, regarding computers on campus that are illegally distributing copyrighted materials. Copyright holders or their agents will request that the College identify the owner of the machine associated with the reported IP address and relay the Takedown or DMCA Notice to the alleged copyright infringer and/or coordinate the removal of access to the infringing content.

The Web Administrator shall serve as Spencerian College's designated contact for all DMCA related issues. To send a DMCA notice to the Web Administrator, please use the following address:

James Pierce
DMCA Designated Agent
Sullivan University Systems, Inc.
3101 Bardstown Rd
Louisville, KY 40206

Or fax to: (502) 413-8818 (on the cover sheet, please write: Attention: DMCA NOTICE).

Requests to remove, disable access to, or disable distribution of material allegedly involved in copyright infringement must include the following:

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 such 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 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, or 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 has the authority to enforce the owner's rights that are claimed to be infringed

Upon receipt of a proper notification from a bona fide copyright holder, or agent for the copyright holder, alleging that a system connected to Spencerian's network is in violation of the provisions of the DMCA, access to Spencerian network will be disabled. The system's network privileges will only be restored after the infringing materials are removed and the person or persons responsible for the system agree to abide by the College's Computer Usage Policy.

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

The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject you to civil and criminal liabilities. Penalties for 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.

Willful copyright infringement also can 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 www.copyright.gov and www.copyright.gov/help/faq.

Legal Alternatives

For legal alternatives to illegal downloading, please see <http://www.educause.edu/legalcontent>.