

In August of 2008, Congress amended the Higher Education Act (HEA). The amended HEA requires all colleges and universities that, like WCCC, receive student financial aid funding from the federal government to provide notice to students of college policies and other information about copyright infringement and illegal file sharing. This notice provides a summary of WCCC's policies and where to find more information about copyright law and illegal file sharing.

Students are required to comply with all local, state, federal, and international copyright laws, and with college policies regarding the use of copyright-protected materials at WCCC. Whenever copyright-protected works are used and fair use does not clearly apply, WCCC requires students to obtain written permission from the copyright owner. Downloading, uploading or transmitting files containing copyright-protected works without the permission of the copyright owner is prohibited by WCCC policy- a violation of which may subject an infringer to WCCC disciplinary action, is illegal, infringes the copyright owner's rights, and may result in legal liability for the infringer and the College.

Most forms of expression, whether images, sculptures, designs, interactive works, books, movies, blogs, videos, music, or software, are protected by copyright law upon fixation in a tangible form. Expressive works are protected whether or not the work bears a copyright notice, and without regard to where the work is published or displayed. Copyright-protected works cannot be copied, distributed, adapted, performed, or displayed without the permission of the copyright owner. Any unauthorized use of a copyright-protected work infringes the copyright owner's exclusive rights under copyright law.

A finding of copyright infringement does not require that the unauthorized use of the work be commercial, or that the infringer knows that a use is infringing. Even accidental copyright infringement creates legal liability. An infringer faces paying the copyright owner monetary damages, having the infringing work destroyed, and serving time or paying fines for certain criminal activities connected to copyright infringement. If the infringed work was registered with the U. S. Copyright Office prior to infringement, the copyright owner may be entitled to collect anywhere from \$750 to \$150,000 per infringement in "statutory damages" from the infringer. Simply defending an accusation of copyright infringement is costly.

Fair use is a defense to copyright infringement that is intended to provide room for freedom of expression in the copyright law. Where an unauthorized use transforms, repurposes, comments upon, or criticizes the original copyright protected work, or is made for scholarly or educational purposes, the use may be a fair use and non-infringing of the copyright owner's rights. On the other hand, an unauthorized use of a copyright-protected work that merely reproduces the original work for a purpose similar to the original work's purpose is unlikely to be a fair use. The fair use defense to copyright infringement is a complex body of law and often requires a substantial expenditure of legal fees to succeed. Sharing music, movies, or software online without the permission of the copyright owner is not a fair use.

The Digital Millennium Copyright Act (DMCA) penalizes circumvention of technology used to prevent the unauthorized use of copyright-protected works. A violation of the DMCA may result in criminal penalties, including fines and imprisonment, and the defense of fair use does not apply to many provisions of the DMCA.

WCCC prohibits use of its technology systems, including, without limitation, use of its website, email system, intranet, digital studios, computer labs, and bulletin board systems ("Technology Resources") in connection with illegal activities, including such activities as circumvention of access control or copy protection technology, unauthorized file sharing, or other methods of downloading, copying, distributing,

or sharing copyright-protected works without the permission of the copyright owner, or in connection with making copyright protected materials available for downloading, copying, distributing, or sharing by others without the permission of the copyright owner.

WCCC has the right, but not the obligation, to monitor and review any use of the Technology Resources. WCCC may monitor user IDs and passwords used to access the Technology Resources, may review information stored or sent using the Technology Resources (including emails and attached files), and may remove and save a copy of such information in WCCC's sole discretion.

WCCC may utilize technological methods such as traffic shaping, content filtering, or user tracking to identify, block, and/or thwart activities deemed in WCCC's sole discretion to be potentially illegal or necessary to conserve the Technology Resources or manage their usage. WCCC may retain copies of any information stored on or sent using WCCC's Technology Resources, even if the originator of such information deleted such information.

WCCC reserves the right to restrict or terminate user access to the Technology Systems or to disable a user ID and/or password at any time without notice if WCCC believes that the user has violated this policy, or any state or federal law. WCCC reserves the right at all times to disclose, without notice to the user, any information necessary to satisfy any applicable law, regulation, legal process or governmental request, or to edit, refuse to post or to remove any information or materials, in whole or in part, in WCCC's sole discretion if WCCC believes a user has violated any of portion of this policy or any other WCCC policies or guidelines.

WCCC investigates notices of copyright infringement submitted to WCCC's designated copyright agent and takes appropriate actions under the DMCA, including removal of infringing materials from the WCCC website. Students are responsible for reading, understanding, and personally complying with this policy and all other Information Technologies policies set forth in the Student Handbook. Students who violate WCCC's policies are subject to disciplinary action by the College, which may include termination of access to the Technology Systems, disciplinary probation, suspension, and dismissal from WCCC, as further provided in WCCC's student policies. In addition, a student may face personal legal liability, including civil and criminal penalties for infringement of copyright and other intellectual property laws, which may include injunctions restraining infringing activities, monetary damages, prison time, attorney's fees, and court costs.

More information about copyright law and guidelines for identifying rights, determining the applicability of fair use, researching the identity of copyright owners and securing permissions are provided at the links below:

Copyright Law and Regulations: <http://www.copyright.gov/laws/>

Fair Use: <http://www.copyright.gov/fls/fl102.html>

Digital Millennium Copyright Act: <http://www.copyright.gov/legislation/dmca.pdf>

Digital Download and Copyrights including Online File Sharing:  
<http://www.usa.gov/topics/science/communications/internet/file-sharing.shtml>