

Copyright Infringement Policy

I. Introduction

The copyright policy of WESTCHESTER COLLEGE OF NURSING AND ALLIED HEALTH affirms our commitment to comply with the United States law pertaining to copyright; to respect faithfully the property rights of authors and their assignees; to educate members of the campus communities about copyright law; and to exercise vigorously the rights and responsibilities granted under this law.

We are committed to fostering an environment of respect for and responsible use of the intellectual property of others. WCNAH is committed to helping members of the community comply with copyright laws by providing resources to help individuals make informed, careful and situation-sensitive decisions about the law and fair use of work created by others.

When considering the copying of any original work, determine whether:

1. The work is protected by copyright,
2. The work is available under a license agreement, or
3. Whether the intended use qualifies as a fair use, as defined in 17 USC § 107.

If the intended use is not a fair use, then seek permission from the copyright owner.

II. Application

This policy applies to all associates, faculty and students of WCNAH.

A. Compliance with Copyright Laws

WCNAH expects all associates, faculty and students to make a reasonable effort in good faith to comply with copyright laws in their use of copyrighted materials.

B. Fair use of Copyrighted Works

In most cases fair use does not apply. No use of copyright material is allowed without explicit permission. Before relying on the fair use exception, associates, faculty, and students should educate themselves regarding the limits of fair use and should, in each instance, perform a careful, good faith fair use analysis based on the four factors identified in Section 107 of the federal Copyright Act. If there is any ambiguity about the categorization of fair use, you must seek guidance from Legal Counsel. You are required to document your fair use analyses as a defense against claims of copyright infringement. It is recommended that the Fair Use Analysis

available on this site by used for this purpose and that this completed form be kept for three years following the date of the last use of the copyrighted item.

(<https://www.lib.umn.edu/copyright/fairthoughts>)

C. Assistance with Copyright Compliance

Because of the complexity of copyright law and, in particular, the fair use exception, WCNAH will provide guidance to associates, faculty and students and help them make informed, careful and situation-sensitive decisions about the lawful and fair use of works created by others.

D. Peer-to-Peer File Sharing (P2P)

Peer-to-Peer file sharing (P2P) is a technology that allows people to download files from one another over the Internet. Normal downloads have a two participant relationship; a server that hosts the file and a client that downloads the file. Using P2P applications, networked computers share files without the need for a client server relationship. Each computer acts simultaneously as a client and server. P2P users store files on their computers and the P2P application enables other users to download those files onto their computers.

P2P technology makes it possible to share files that are copyrighted. Federal law prohibits the reproduction, distribution, public display or public performance of copyrighted materials over the Internet without permission of the copyrighted holder. WCNAH fully complies with the federal Digital Millennium Copyright of 199 and has the measures in place for tracking alleged incidents of copyright infringement.

WCNAH may receive a notice from the Recording Industry Association of America (RIAA) and other content owners that a user on WCNAH's network has infringed copyrighted material. Once the sure is verified, the user is forwarded a copy of the notice and is ordered to cease and desist any illegal activity.

If a subpoena is issued by the RIAA, by law, WCNAH is required to provide the identity of alleged infringers. Employees and students subject subpoenas risk further legal action and WCNAH disciplinary action.

E. Legal Alternatives

The Higher Education Opportunity Act requires all colleges and universities to offer legal alternatives to unauthorized downloading. The list below includes a list of legitimate online services WCNAH us aware if. No endorsement or evaluation is intended.

Note: Some of the sites listed provide some or all content at no charge; that are funded by advertising or represent artists who want their material distributed for free, or for other reasons. Just because content is free doesn't mean it's illegal. On the other hand, you may find websites offering to sell content which are not on the list below. Just because content is not free doesn't mean it's legal.

Legal Alternatives for Downloading

- □ ABC TV - <http://abc.go.com/watch>
- •Amazon MP3 Downloads - <http://www.amazon.com>
- • Amazon Video on Demand - <http://www.amazon.com/gp/video/ontv/start>
- • Amie Street - <http://amiestreet.com/>
- • AOL Music - <http://music.aol.com/>
- • Artist Direct Network - <http://www.artistdirect.com/>
- • AudioCandy - <http://www.audiocandy.com/>
- • BearShare - <http://www.bearshare.com/>
- • BET - <http://www.bet.com/music>
- • Blip.fm - <http://blip.fm/>
- • Blockbuster Online - <http://www.blockbuster.com/>
- • Bravo Videos - <http://video.bravotv.com/videos>
- □ Buy.com - http://www.buy.com/dept/Music_CDs_/109.htm
- •Cartoon Network Video – <http://www.cartoonnetwork.com/video/>
- •CBS Video - <http://www.cbs.com/video/>
- •CD Baby - <http://www.cdbaby.com/>
- •CinemaNow - <http://www.cinemanow.com/>
- •Clicker - <http://www.clicker.com/login.html>
- •Comedy Central Video - http://www.comedycentral.com/funny_videos/i
- •The Criterion Collection - <http://www.criterion.com/>
- •The CW Video - <http://www.cwtv.com/cw-video>
- •Dimple Records - <http://www.dimple.com/>
- •Discovery Channel Videos - <http://dsc.discovery.com/videos/>
- •Disney Videos - <http://home.disney.go.com/lite/index>
- •Download Fundraiser - <http://www.downloadfundraiser.com/>
- •The Electric Fetus - <http://www.electricfetus.com/>
- •eMusic - <http://www.emusic.com/>
- •ESPN360 - <http://espn.go.com/espn3/index>
- •EZ Takes - <http://www.eztakes.com/>
- •Fancast - <http://www.fancast.com/>
- •FOX on Demand - <http://www.fox.com/fod/index.htm>
- •FX Networks Video - <http://www.fxnetworks.com/>
- •For Your Entertainment (FYE) - <http://www.fye.com/>
- •Gallery of Sound - <http://www.galleryofsound.com/>
- •Hulu Movies & TV - <http://www.hulu.com/>
- •iLike - <http://www.ilike.com/>
- •iMDB Video - <http://www.imdb.com/features/video/>
- •imeem - <http://www.myspace.com/music?user=imeem>
- •iMesh - <http://www.imesh.com/>
- •Independent Records & Videos - <http://www.beindependent.com/>
- •Apple iTunes - <http://www.apple.com/itunes/>
- •Jaman - <http://www.jaman.com/>
- •Jamendo - <http://www.jamendo.com/en/>
- •Joost Movies & TV - <http://www.joost.com/>
- •Last.fm - <http://www.last.fm/>
- •Latinoise - <http://www.latinoise.com/>
- •LifeWay Christian Music - <http://www.lifewaystores.com/lwstore/dept.asp>
- •Liquid Digital Media - <http://www.liquid.com/>
- •Listen.com - <http://blog.listen.com/>
- •Magnatune - <http://magnatune.com/>
- •MediaNet - <http://www.mndigital.com/>
- •Mindawn - <http://www.mindawn.com/>
- •MOG All Access - <http://mog.com/>
- •MovieFlix - <http://www.movieflix.com/>
- •MP3.com - <http://www.mp3.com/>
- •MTV Video - <http://www.mtv.com/videos/home.html>
- •Music Millennium - <http://www.musicmillennium.com/>
- •Music Rebellion - <http://podcast.musicrebellion.com/>
- •Lifetime Video - <http://www.mylifetime.com/video>
- •MySpace Music - <http://www.myspace.com/music>
- •Napster – www.napster.com
- •NBC Video - <http://www.nbc.com/video/>
- •Netflix Movies & TV - <http://www.netflix.com/>
- •Neurotic Media - <http://www.neuroticmedia.com/>
- •Nick Jr. Video - <http://www.nickjr.com/video/index.jhtml>
- •Pandora - <http://www.pandora.com/#/stations/create/>
- •PBS Kids Go! Video - <http://www.pandora.com/#/stations/create/>
- •Pro- Music - <http://www.pro-music.org/>
- •Public Domain Torrents - <http://www.publicdomaintorrents.com/nshowca>
- •Qtrax - <http://v2test.qtrax.com/>
- •Rhapsody - <http://www.rhapsody.com/home.html>
- •Slacker - <http://www.slacker.com/>
- •South Park Studios - <http://www.southparkstudios.com/episodes/>
- •Spinner - <http://www.spinner.com/>
- •Spotify - <http://www.spotify.com/int/new-user/>
- •Steam Games - <http://store.steampowered.com/>

III. Violation of Copyright Laws and Disciplinary Procedures

A. ACC/WCU Response

Upon obtaining knowledge that material residing on its systems or networks is infringing or that its systems or networks are being used for infringing activities (or upon becoming aware of circumstances from which infringing activity is apparent), WCNAH will act expeditiously to remove or disable access to the infringing materials and may deny the individuals responsible further access to its systems or networks. In addition, associates, faculty or students or other employed persons who willfully disregard or violate copyright law may be subject to disciplinary action in accordance with applicable disciplinary policies and procedures up to, and including termination of employment or student dismissal from the institution.

B. Criminal and Civil Penalties

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.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone liable for civil copyright infringement may be ordered to pay wither actual damages or “statutory” damages affixed at not less than \$750 and no t 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, and 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, please see the website of the U.S. Copyright Office at www.copyright.gov, especially their FAQ’s at www.copyright.gov/help/faq.

IV. Certification of Permitted Use

Associates and faculty members are responsible for understanding the Colleges’ copyright policy and shall be accountable for actions that willfully disregard it. WCNAH’s responsibility in this area is to provide faculty members, associates and students access to resources that allow determination of permitted uses. Faculty, associates and students are responsible for seeking guidance and complying with the law.

V. Administration of Copyright Policy

A. Implementation of the Policy

This policy will be posted on the WCNAH website. In addition, and pursuant to the Higher Education Opportunity Act, students will be notified annually of this policy and where they can learn more.

Compliance with this policy is mandatory and any reports of violation will be investigated. Where it is required that WCNAH report violations to outside entities, such reports will be made. Upon investigation, if disciplinary action is deemed appropriate, such action will be taken. This action may include the loss of Internet usage privileges, failing grades or course failures, suspension, dismissal from the institution and termination of employment, or any other discipline deemed appropriate.

B. Technology Deterrents

WCNAH employs a number of Information Technology means to detect and prevent unauthorized P2P file sharing and other copyright violations, including the following:

Netgear FVS318m Firewall, which runs the latest, Netgear firmware release. Our design architecture for this firewall is such that it prevents access to the network from external sources and protects the WCNAH IT infrastructure from intrusion. IT is able to monitor the real-time health of this architecture and report on any intrusion violation attempts.

WCNAH will annually assess this Policy and the program in place to detect and prevent copyright violations. This policy may be amended from time to time, as WCNAH deems necessary or desirable, subject to applicable statutory and contractual restraints.