

## **Copyright Notification and Potential Penalties for Infringement**

The Higher Education Opportunity Act (HEOA) requires Bard College to make an annual disclosure informing students that the illegal distribution of copyrighted materials may lead to civil and/or criminal penalties.

Bard College strictly prohibits the unauthorized distribution of copyrighted material. This includes illegal downloading and peer-to-peer file sharing. The Bard College Student Handbook and the Bard College Computing Policies prohibit students from using Bard College computing resources to act in violation of applicable copyright laws. Violations include:

- Using peer-to-peer applications that violate copyright laws; and
- Making unauthorized copies of copyrighted files or software or violating any software licensing agreements or copyright laws.

Any violation of these policies may result in disciplinary action and/or the loss of the ability to use Bard College computing and technology resources. Violations may also result in employee disciplinary action and potentially the discharge of employment. Additionally, individuals who violate these policies may face criminal and civil liabilities, from Bard College, individuals or entities whose rights are infringed and/or harmed, and/or law enforcement officials or agencies.

### **Civil Penalties for Violation of Federal Copyright Laws**

Copyright infringement occurs when a work protected by copyright is used in violation of the owner's exclusive rights under Section 106 of the Copyright Act (Title 17 of the United States Code). These include the unauthorized distribution and copying of a copyrighted work or downloading or uploading substantial parts of a copyrighted work without permission.

Copyright infringement may result in civil and criminal penalties. These include actual damages or statutory damages in an amount not less than \$750 and not more than \$30,000 per work infringed. If infringement is found to be "willful", the award may be up to \$150,000 per work infringed. An infringer may also be ordered to pay costs and attorneys' fees at a court's discretion. See Title 17, United States Code Sections 504 and 505 for further details.

Criminal penalties can be imposed in an amount of up to \$250,000 per offense, and imprisonment of up to five years.