

VIRGINIA MILITARY INSTITUTE
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Digital Copyright Compliance Policy

The Higher Education Opportunity Act (HEOA) of 2008 includes specific statements requiring colleges and universities to comply with digital copyright laws, and requires VMI to provide the following information:

Federal Copyright Laws

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 permission or legal authority constitutes an infringement.

Penalties for copyright 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. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement also can result in criminal penalties, including imprisonment for up to ten years and fines of up to \$1,000,000.

For more information, please see the Web site of the U.S. Copyright Office at www.copyright.gov, especially their FAQ's at www.copyright.gov/help/faq.

Technology-Based Deterrents

VMI uses packet shaping technology to limit the effectiveness of peer-to-peer file transfer networks for the illegal access and transfer of copyrighted material. Deep packet inspection of all traffic is performed by the IT Department and illegal use of copyrighted material will be blocked. Other detection methodologies may be deployed to protect copyrighted material.

Copyright Violation Notice

The Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA) regularly monitors traffic on the Internet and peer-to-peer networks in order to detect illegal uploading, downloading, and other copyright law violations. When a VMI cadet, faculty or staff violates one or more of these laws, the RIAA or MPAA contacts the Institute. VMI is then notified of the assertion for potential litigation against the alleged offender. VMI's Chief of Staff will be made aware of the allegations, and the IT department will cooperate with the investigation.

VMI considers copyright violations very seriously, and will cooperate with the RIAA and/or the MPAA in order to protect itself from potential liability. Punitive steps may result in the loss of network access or other disciplinary action up to and including dismissal or termination. Fines or court fees will be the responsibility of the user.

Remember: Downloading, copying or sharing material (such as music, movies, games, or applications) without permission from the copyright holder is against federal law and in violation of VMI's Acceptable Use of VMI Information Systems Policy (<http://www.vmi.edu/AppropriateUse>). Any such violations can result in discipline up to and including dismissal from VMI or termination of employment.

Helpful Links

United States Code, Title 17 <http://www.copyright.gov/title17/>

US Copyright Office FAQ <http://www.copyright.gov/help/faq>

MPAA: Copyright and Protecting Creativity <https://www.mpaa.org/what-we-do/advancing-creativity/>

Where to Watch: Legal movie and TV access outlets <https://www.justwatch.com/us>

FOR THE SUPERINTENDENT:

Gary A. Bissell
Colonel, USAR (Ret.)
Acting Chief of Staff

DIST: E, Cadets
OPR: IT