

Under the provisions of the Higher Education Opportunity Act of 2008, the University of Tennessee Health Science Center is providing you this notice that the unauthorized distribution of copyrighted material may subject you to criminal or civil penalty:

#### Summary of Civil and Criminal Penalties for Violation of 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 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 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 Web site of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

The University of Tennessee has adopted IT Policy IT0110 Acceptable Use of Information Technology Resources which states in item "5. Users will not ... (e.) Commit copyright infringement, including file sharing of video, audio, or data without permission from the copyright owner". The policy also includes this section **COPYRIGHTS AND LICENSES**,

"6. Violation of copyright law or infringement is prohibited by university policies and state and federal law. Generally, only the owner of a copyrighted work may reproduce, create other works based on the copyrighted work, distribute, perform, or publically display a copyrighted work. Any unauthorized use of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the user to discipline as a violation of one or more provisions of the general standard of conduct in the student handbook or to discipline under the Code of Conduct in the Human Resources Policy and Procedures.

While the university has deployed and maintains various technologies that actively prohibit copyright infringement activities, the university does not actively monitor its network for copyright infringement, but does investigate all complaints or notices. In the event that the university receives notice a potential copyright violation, the university does investigate all complaints or notices.

Acts of copyright infringement will be addressed according to the Sanctions section of this policy. In addition, infringement of copyrighted work, including unauthorized peer-to-peer file sharing, may also involve civil lawsuits by the copyright owner. Possible penalties include actual damages and profits or statutory damages of up to \$30,000 for each work infringed (or up to \$150,000 for each willful infringement), court costs, attorney fees, and other civil damages. Criminal penalties for willful infringement may include, depending upon the value of the work(s) infringed, fines and imprisonment for up to 5 years as provided in 18 USC 2319..."

The Sanctions section of the policy notes: "Violations of university policies, state or federal laws, and other misuse of university resources may result in termination of access, disciplinary

review, expulsion, termination of employment, legal action, and other appropriate disciplinary action.”