

MEMORANDUM

TO: ALL UNIVERSITY FACULTY AND STAFF

FROM: Amy S. Kelso,
Senior Associate General Counsel

DATE: October 16, 2009

SUBJECT: Copyright Infringement Reminder

Digital file sharing technology has made it very easy for computer users to make and share a large number of unauthorized copies of copyrighted works (particularly music and movies) without permission of the copyright owners. Unfortunately, some UNC Charlotte account holders have inappropriately used UNC Charlotte computing resources as servers to download and distribute such unauthorized copies. Such activity not only violates federal copyright law, but also violates University policy.

Compliance with federal copyright law is expected of all students, faculty, and staff at UNC Charlotte. "Copyright" is legal protection for creative intellectual works, which is broadly interpreted to cover any tangible expression of an idea. Text (including email and Internet content), graphics, art, photographs, music, movies, and software are examples of types of works protected by copyright. The creator of the work, or sometimes the person who hired the creator, is usually the copyright owner.

"Use" of a work means copying, distributing, making derivative works, publicly displaying, or publicly performing the work, and includes downloading and uploading content on the Internet. You may "use" all or part of a copyrighted work only if (a) you have the copyright owner's permission, or (b) you qualify for a legal exception. The most common exception in an educational setting is called "fair use." "Fair use" is a legal term, and you should not assume that a use you intend to make is "fair use" without making sure you understand its legal definition. (For assistance on understanding "fair use" see http://www.northcarolina.edu/legal/sm/copyrightownership/Primer_Fair_Use_Worksheet_042209.pdf and http://www.northcarolina.edu/legal/sm/copyrightownership/Primer_Copyright_Use_042309.pdf.)

Copying, distributing, downloading, and uploading content to or from the Internet or other electronic resources without permission may infringe the copyright for that content. Even an innocent, unintentional infringement violates the law. Violations of copyright law that occur on or over the University's networks or other computer resources may create liability for the University as well as personal liability for the computer user. Accordingly, faculty and staff who commit copyright infringement using University computing resources may be subject to appropriate disciplinary action as well as termination of the user's email and/or Internet access account in accordance with Policy Statement #66, Responsible Use of University Computing and Electronic Communication Resources (<http://legal.uncc.edu/policies/ps-66.html>). Violations of law may also be referred for criminal or civil prosecution.

Please be mindful of the law and University policy, and consult with the General Counsel's office if you have any questions about how copyright law affects your use of University computing and electronic communication resources.

[Note: A copy of this memo is available online at: <http://legal.uncc.edu/copyrightemployees.pdf>]