



Office of Legal Affairs

9201 University City Boulevard, Charlotte, NC 28223-0001

t/ 704.687.5732 f/ 704.687.1673 www.legal.uncc.edu

MEMORANDUM

TO: All UNC Charlotte Students
FROM: Office of Legal Affairs
DATE: December 12, 2018
SUBJECT: Illegal Peer-to-Peer File Sharing Annual Notice

This annual notice reminds UNC Charlotte students of the personal risks and legal consequences of unauthorized downloading and distribution of copyrighted materials, including illegal peer-to-peer file sharing. All students are expected to respect the intellectual property rights of others and refrain from copyright infringement.

“Copyright” is legal protection for creative intellectual works, which is broadly interpreted to cover any tangible expression of an idea. Music, movies, text, graphics, art, photographs, 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. Unless you have permission, it is illegal to use peer-to-peer applications to share copyrighted media online. You may obtain permission in several ways:

- Written permission from the copyright owner
- Software license
- Purchase of rights
- A legal exception, such as the “fair use doctrine,” see: <https://www.copyright.gov/help/faq/faq-fairuse.html>

The most common legal exception in an educational setting is “fair use.” “Fair use” is a legal term, and you should not assume that a use you intend to make is “fair use” without [examining several variables](#) in order to determine whether your use constitutes “fair use.” Atkins Library has a [website](#) devoted to copyright that provides helpful guidance in navigating copyright and plagiarism issues.

Although it may be lawful to use peer-to-peer file sharing software, the illegal distribution of copyrighted files with that software is not. In many situations, either downloading or uploading even part of a copyrighted work without permission is copyright infringement. Peer-to-peer file sharing also increases the likelihood that others could access confidential data on your computer or install destructive computer viruses that could spread across the University’s network.

Copying, distributing, downloading, and uploading content to or from the Internet or other electronic resources without legal exception or permission may also infringe the copyright for that content. Even an innocent, unintentional infringement violates the law. **Violations of copyright law using the University information resources may create personal liability for you as well as liability for the University.** Students who commit

copyright infringement using University information resources or who otherwise violate the Information Technology Services [Standard for Responsible Use](#) may be subject to disciplinary action under [University Policy 406, Code of Student Responsibility](#). Violations of law may also be referred for criminal or civil prosecution.

If you illegally download, upload, copy, or distribute copyrighted content, even unintentionally, you are at risk for serious penalties. For example, a former Boston University graduate student was fined \$675,000 for illegally downloading and sharing 30 digital songs online (see [Sony BMG Music Entertainment, et al. v. Joel Tenenbaum, 719 F.3d 67 \(1st Cir. 2013\)](#)). Copyright holders such as the Recording Industry Association of America ([RIAA](#)) and the Motion Picture Association of America ([MPAA](#)) use automated detection systems to identify copyright infringements. You are advised to use legal sources of online content. EDUCAUSE provides a [list of legal alternatives for downloading](#).

Please be mindful of the law and University policy, and consult with the [Office of Legal Affairs](#) if you have any questions about how copyright law affects your use of University information resources. Please refer to these policies and resources for further information:

- University Policy 315, Copyright Policy: <https://legal.uncc.edu/policies/up-315>
- UNC Charlotte Peer-to-Peer File Sharing Regulation: <https://legal.uncc.edu/policies/up-311.4>
- ITS Standard for Responsible Use: <https://itservices.uncc.edu/iso/standard-responsible-use>
- EDUCAUSE Legal Sources of Online Content: <https://www.educause.edu/focus-areas-and-initiatives/policy-and-security/educause-policy/issues-and-positions/intellectual-property/legal-sources-onli>
- Why Music Matters Digital Downloading Resource: <http://whymusicmatters.com/>
- RIAA Student FAQs: <http://www.riaa.com/resources-learning/for-students-educators/>
- U.S. Copyright Office: <http://www.copyright.gov>

Note: A copy of this memo is available online at:

<https://legal.uncc.edu/sites/legal.uncc.edu/files/media/CopyrightStudents.pdf>