



Office of Vice President &
General Counsel
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Valparaiso, IN 46383

Dear Students:

As part of complying with the Higher Education Opportunity Act (HEOA), Valparaiso University is notifying students about copyright infringement and the ramifications of copyright infringement. It is strongly advised that you read this notice carefully and give it thoughtful consideration.

When you activate your VU Network ID, you agree to abide by any applicable University computer use policy. More specifically, you agree not to use University resources for unauthorized duplication, use, or distribution of copyrighted materials, including music and video files. The University considers unauthorized peer-to-peer file sharing of copyrighted music and videos to be an inappropriate use of its network resources. Moreover, such activity is illegal under the Digital Millennium Copyright Act (DMCA) and exposes you to serious civil and criminal penalties.

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. According to the Federal Department of Education, civil and criminal penalties for anyone found liable for copyright infringement includes the following:

- Actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed.
- Up to \$150,000 per work infringed for "willful" infringement in addition to potential costs and attorneys' fees.
- Imprisonment of up to five years and fines of up to \$250,000 per offense should the court rule for criminal penalties.

In accordance with the HEOA and U.S. Copyright Law, Valparaiso University policy states that students may not copy, download, or share software, documents, or files protected by copyright while using VU's computing resources, unless written permission from the copyright holder has been obtained. Violations of University policy may result in revocation of student access to University computing resources, including computer labs and network connections. Students may also be subject to disciplinary action. Additionally, those who violate copyright law are subject to potential criminal and civil legal action by federal authorities and copyright holders.

Due to the many different methods of downloading digital material, students may engage in copyright infringement without being aware of it. The University encourages you to utilize the various legal alternatives to illegal downloading and sharing that are available. A comprehensive list of these alternatives is provided by EDUCAUSE and can be found at <http://www.educause.edu/legalcontent>.

Darron Farha
Vice President & General Counsel