

# CENTUREON INSTITUTE

*The School of the People®*

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## Copyright and Intellectual Property Policy

### **Purpose:**

**Centureon Institute** is deeply committed to the exploration of new knowledge and to fostering economic development and technology transfer, contributing to the economic vitality of the community through education. The following policy is established to promote and support creative endeavors by employees and students for the public good. This policy shall be considered an integral part of the terms of employment for every employee of the Institute and a condition of enrollment and attendance for every student.

### **User's Responsibility and Acknowledgment:**

Centureon Institute prohibits the use of its computing resources for unlawful activities. The Institute complies with applicable federal, state, and local laws and expects users to do the same. By receiving a computing account from Centureon Institute, users agree to abide by the Institute's computing policies and the laws referenced therein. Users are accountable for all activities conducted through their computing accounts and registered devices. Centureon Institute enforces its own policies and standards regarding the electronic communication environment. Even if a copyright holder chooses not to pursue legal action, Centureon Institute reserves the right to block access to its computing system and network for any member of the Institute community who repeatedly engages in behavior prohibited by the Institute's computing policies.

### **Risks of Illegal Content Sharing:**

Contrary to popular belief, U.S. federal law considers the downloading and distribution of copyrighted material as a serious offense with severe consequences. Any Centureon Institute computer account holder who violates copyright laws risks legal action by the copyright holder, loss of access to the Institute's computer system, disciplinary action, as well as potential civil or criminal penalties. Copyright holders and their associations, such as the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA), have increasingly targeted students. Centureon Institute strictly prohibits any infringement of intellectual property rights by faculty, staff, or students. It is against Institute policies to engage in the violation of others' intellectual property rights. Centureon Institute's policies and procedures regarding the use of its computing resources can be found at <https://www.centureon.institute/centureon-consumer-information/>

### **Understanding Copyright Infringement:**

Centureon Institute is committed to educating its students. Over recent years, the Institute has intensified efforts to raise awareness among students about the policies governing the use of its computing facilities and systems, encouraging responsible use. These efforts include providing information about copyright laws, particularly concerning content sharing.

To protect you and the Institute from legal repercussions, we aim to help you understand what actions constitute violations of federal copyright law, particularly concerning peer-to-peer (P2P) networks. If you use Centureon Institute's network to access, download, upload, or share copyrighted materials without permission or without falling under another exception under copyright law, you are likely infringing copyright laws. In general, copyright infringement occurs whenever someone copies any copyrighted work, such as songs, videos, software, cartoons, photographs, stories, or novels, without permission (i.e., a license) from the copyright owner and without falling within specific exceptions provided by copyright laws.

### **P2P File Sharing and Copyright Infringement:**

Peer-to-peer (P2P) computing is a versatile technology with various applications. While P2P networks can be used for legitimate purposes, using them to share copyrighted material, such as movies, music, and software, can violate the rights of copyright owners. In the context of P2P file-sharing, infringement may occur when an individual purchases an authorized music CD, creates digital copies, and shares them via a P2P network. Both the individual making the file available and those making copies may be found to have infringed the rights of the copyright owner(s) and may be violating federal copyright law. Section 106 of the Copyright Act defines copyright infringement as the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner. In the context of file-sharing, downloading, or uploading substantial parts of a copyrighted work without authorization constitutes infringement.

*Centureon Institute* advises all computer account holders to exercise caution when installing P2P software and to carefully read all user agreements beforehand. Ensure you understand how the P2P software is configured and operates. Some P2P programs have default settings that index files on your computer and publish all your digital content for other users of the P2P network, potentially leading to unwitting participation in copyright infringement. Ignorance of law is no excuse.

### **Combating Illegal Peer-to-Peer Sharing:**

In an effort to combat illicit downloading and distribution of copyrighted material, Centureon Institute has deployed technological deterrent measures, enhanced network traffic monitoring, revised and instituted new policies and protocols, and commenced security awareness workshops. You are accountable for all activities conducted via your Centureon Institute computing account and the associated devices. Consequences for copyright infringement encompass both civil and criminal penalties. Generally, individuals found liable for civil copyright infringement may face either actual damages or "statutory" damages ranging from \$750 to \$30,000 per infringed work. For instances of "willful" infringement, a court may award up to \$150,000 per infringed work. Additionally, courts may, at their discretion, impose costs and legal fees. Refer to Title 17, United States Code, Sections 504, 505 of the Copyright Act for further details. For additional information, please visit the website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), particularly their FAQ section at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq). Copyright holders often target both uploaders and downloaders on peer-to-peer (P2P) networks. Entities like the RIAA and the MPAA monitor Internet Service Provider (ISP) network traffic during P2P downloading and uploading to acquire users' Internet Protocol (IP) addresses and identify files being shared via P2P directories. Once an IP address and other relevant information are obtained, copyright holders and their representatives can initiate "John Doe" lawsuits and issue subpoenas to ISPs to reveal the identity of the user associated with the IP address.

### **Copyright Infringement Notifications:**

As an internet service provider (ISP) for its students, faculty, and staff, Centureon Institute receives notices from copyright associations identifying IP addresses of account holders believed to be involved in illegal downloading and distribution of copyrighted material. Centureon Institute reserves the right to demand immediate cessation of infringing conduct. In serious cases, the Institute may revoke access to its computer system and impose disciplinary sanctions.

### **Types of Copyright Infringement Notifications:**

Copyright holders and their representatives typically send three types of communications related to copyright infringement:

- 1. Cease and desist or copyright infringement notices:** These notices aim to stop illegal possession and distribution of copyrighted material. The Institute's Information Technology (IT) office contacts users identified in these notices to notify them of the need to cease illegal activities.
- 2. Pre-litigation notices:** Copyright holders may send these letters before filing a lawsuit to recover financial damages caused by illegal distribution of copyrighted material.
- 3. Subpoenas:** These notices indicate that a lawsuit has been filed to recover damages for illegal distribution of copyrighted material. Courts may impose fines and penalties if liability is established.

### **Fair Use:**

Copyright law does not provide a blanket exemption from liability for students based solely on their status. Limited circumstances allow the use of copyrighted materials without permission, such as under the legal doctrine of fair use. Whether the use of copyrighted material without permission constitutes fair use depends on various factors. For more information, please visit the website of the U.S. Copyright Office.

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).

### **There Is an Alternative: Legal Downloading:**

Centureon Institute provides guidelines for obtaining copyrighted material from legal sources.

<http://www.educause.edu/focus-areas-andinitiatives/policy-and-security/educausepolicy/issues-and-positions/intellectual-property/legal-sourcesonli>

### **Policy Violation:**

Violation of this policy may result in disciplinary action, including termination for employees, termination of employment relations for contractors or consultants, dismissal for interns and volunteers, or suspension or expulsion for students.

### **Annual Review:**

Centureon Institute will review copyright education efforts periodically, especially in response to significant changes in laws or regulations.