

FILE SHARING SOFTWARE

DON'T GET SUED – READ THIS NOW

With the excitement of a new academic year filled with new classes and activities, we can understand that this page about downloading **music, movies, TV shows or software** may not seem important, but it could avoid your having to pay a lot for entertainment.

Having a file sharing program such as BitTorrent, eDonkey, Gnutella, or KaZaA on your computer can have a legitimate purpose, but use of these programs to download and distribute copyright protected material for which the user does not have permission is not legal, and the distribution or sharing of such material may constitute a violation of federal copyright laws. Such programs can often be active without your knowledge.

The use of file sharing programs for copyright protected material can have major consequences for you and your parents. Essentially, the law stipulates that you cannot have anything on your computer that you do not own. More importantly, you cannot share any file for which you do not have distribution rights. Currently, copyright violations can result in civil penalties of up to **\$150,000** per violation. Theoretically, if you send 10 people a copy of a song you ripped, you might be facing statutory damages of **\$1,500,000**. In addition to civil liability, there is potential criminal liability in copyright cases-- with penalties depending on the number and value of products exchanged. Suits brought by copyright owners against students usually settle for much less, but still have involved settlement amounts of as much as **\$17,000**, plus attorney fees.

The Digital Millennium Copyright Act can be interpreted to require an internet service provider like Caltech to act expeditiously to remove or block access to material upon receipt of a notice from a copyright holder that their material is being illegally distributed on its network. We implement that obligation by blocking internet access to the allegedly infringing material upon receipt of a complaint. We then send an e-mail to the user explaining why their internet connection has been blocked. The student will then be referred to the Dean of Students who will authorize the Internet connection to be unblocked. Please note that in accordance with the DMCA, repeat offenders may have their accounts terminated.

How can you protect yourself from this kind of legal and/or Institute policy action? Simple: don't download or distribute music, games, software, TV shows or videos for which you do not own the copyright or have permission to do so. Also, learn about the functionality of file share programs. For example, some file share programs will automatically share files from your hard drive and distribute them to others anytime your computer is on, without your knowledge, and many will not allow the outbound function to be disabled. You could thus be responsible (and liable) for the distribution of that material to hundreds or even thousands of individuals.

If you have any questions, please contact the Caltech Office of General Counsel at x6182 or email IPQuestions@caltech.edu.