

MBI Copyright and Peer to Peer Sharing Policy

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Audience

All Users of Moody Bible Institute Network

Policy

Due to significant lobbying from the Motion Picture Association of America (MPAA) and the Recording Industry Association of America (RIAA), the US congress has revised the Higher Education Opportunity Act (HEOA) to address copyright law and file sharing. Title IV of the HEOA legislation deals with Federal Student Assistance, including Pell Grants, the Family Education Loan Program, the Work-Study program, Direct Student loans, and Perkins Loans. However, the reporting requirements of HEOA Title IV now also stipulate that all US colleges and universities must provide:

- An annual disclosure to students describing copyright law and campus policies related to violating copyright law.
- A plan to "effectively combat the unauthorized distribution of copyrighted materials" by users of its network, including "the use of one or more technology-based deterrents".
- A plan to "offer alternatives to illegal downloading".

Copyright Law

Copyright law provides protections to creators of works against the unauthorized duplication and distribution of the works. In exchange for these protections, the public is provided with specific rights for "Fair Use" of copyrighted works. More specifics about on copyright law and fair use are available at the following sites:

- The US Copyright Office: <http://www.copyright.gov>
- The Copyright Office's FAQ page: <http://www.copyright.gov/help/faq/>
- Chilling Effects explains Fair Use: <http://chillingeffects.org/>

Copyrighted works that are easily stored in digital form, such as software, music, videos, and photographs, can be easily acquired and distributed over computer networks, using freely available file sharing software. However, despite the ease of such transfers, it is illegal to download, and especially to distribute, such copyrighted works without authorization.

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Since such activity is illegal, it is prohibited by general Institute policy, and covered by the disciplinary procedures in our student and employee handbooks. In addition, using the MBI network or any other MBI technology resource to copy, store, and/or distribute copyright-infringing material is specifically prohibited by the [MBI Computer Use Policy](#), located on the MBI Portal. All campus users acknowledge this policy when they register personal computer equipment on the network. Loss of campus network access and/or disciplinary actions as specified in the handbooks may result from continued illegal activity by members of the Institute community.

Every user is responsible for their own compliance with the law. Using the MBI network does not in any way shield you from potential law enforcement actions; users who download or distribute copyrighted works may face civil or criminal penalties in addition to sanctions based on Institute policy.

Penalties for Copyright Violation

If a copyright owner successfully prosecutes an infringer, the penalties are set at "not less than \$750 or more than \$30,000" per infringing work. However, if the copyright owner can establish that the violation was "willful" the penalty can be \$150,000 per work. (from US Code Title 17 Chapter 5 Section 504: <http://www.copyright.gov/title17/92chap5.html>)

Furthermore, The US No Electronic Theft Act establishes that penalties can be charged even if the infringer did not profit in any way from the violation. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. (See http://en.wikipedia.org/wiki/NET_Act)

File Sharing Software

Much of the illegal distribution of copyrighted works is done with peer-to-peer (P2P) file sharing software. There are many different peer-to-peer protocols used for sharing, such as BitTorrent and Gnutella, but the primary characteristic of P2P systems is that there is no central server holding the shared files. Instead, every client computer can both download files for local use, and serve files for download by other peers. Thus, if you install peer-to-peer file sharing software, it is your responsibility to assure that it does not illegally serve any copyrighted material on the peer-to-peer network. Since these networks only function if many peers share, the default action of most file sharing packages is to automatically share local files.

Note that some peer-to-peer software, particularly BitTorrent, is used as a legal distribution channel for Open Source and other free software, and for other works that are in the public domain or licensed for distribution. Thus, using P2P software is not inherently illegal, but users must be aware of the licensing and distribution requirements of every file they

transfer. Also, as noted above, users must be very careful to not inadvertently share copyrighted files from their own systems.

P2P file sharing can consume large amounts of network bandwidth. Since bandwidth from our campus to and from the internet is a scarce and expensive resource, Information Technology Services attempts to limit the amount of P2P traffic. If you need to download legal material from a P2P source, please contact Information Technology Services for assistance.

Tracking File Sharing

Internet communication is not anonymous: Every packet of data sent or received includes the source and destination IP addresses of the computers sending the traffic. Moreover, these globally unique addresses are registered to their providers, as this is necessary for routing data. Also, P2P client software must advertise the files it has to share, or else the P2P network would not function. Therefore, major producers of copyrighted works hire companies to track file sharing, which they can do easily by using the same P2P software as everyone else. If a peer is found to be sharing (distributing) or offering to share copyright-infringing content, the agents send violation notices to the infringer's Internet service provider (i.e. MBI). The Information Technology Services department occasionally receives notices of copyright infringement, and we are required by the HEOA regulations to take action on these notices. Information Technology Services will attempt to find the user who had use of the IP address in question, and to forward the copyright violation notice to the user.

Note that the Institute does not provide any network access to these copyright enforcement agents; any evidence of file sharing they detect is publicly available on the internet. We will not release any user information or network logs to such agents unless required by subpoena or other legal means.

Legal Sources for Music and Video

There are many on-line sources that give legal access to copyrighted music and video.

- EDUCAUSE, an association of colleges and universities, maintains a list of legal media sources: <http://www.educause.edu/legalcontent>
- The MPAA provides a similar list of video sources: <http://www.mpa.org/contentprotection/get-movies-tv-shows>

HEOA Compliance Statement

Moody Bible Institute has implemented the following plan for compliance with the file sharing and copyright protection provisions of HEOA:

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1. The Institute sends regular emails (at least annually) to all campus network users to educate our users about copyright law and illegal use and distribution of copyrighted works. These messages include references to this document, which specifies campus policies dealing with illegal activity, and outlines the penalties for copyright infringement that are codified in US law.
2. The Institute uses the following deterrents as part of our plan to effectively combat the unauthorized distribution of copyrighted materials by users of our network:
 - All incoming students are required to attend orientation sessions where copyright laws and penalties are discussed.
 - Our network employs a gateway firewall at the Internet border that prohibits internal hosts from sharing files externally via peer to peer networks.
 - Moody Bible Institute's Information Technology Services department will acknowledge the receipt of each copyright violation notice it receives, and will endeavor to identify the users of the IP addresses referred to. The copyright infringement notices will be forwarded to any identified users, who may face loss of network services and/or other disciplinary action in accordance with institute policies.
3. This document provides links above to lists maintained by EDUCAUSE and the MPAA of legal video and music sources.
4. Information Technology Services will undertake an annual audit to assure the effectiveness of our technical deterrents and our compliance with the requirements of HEOA that pertain to Copyright and File Sharing.

Definitions

n/a

Procedures

n/a

Documents

n/a

Contacts

If you have questions or concerns about the execution of this policy, you may contact the Information Technology Services Support Center at 312.329.4067 or ITS@moody.edu for assistance.

If you have questions about the policy, you may email ITSpolicy@moody.edu for assistance.

Related

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