

File Sharing at Syracuse University



The unauthorized distribution of copyrighted material (including but not limited to music, movies, and games), including peer-to-peer file sharing, is unethical and illegal and may subject a student to civil and criminal liabilities. As required by the Higher Education Opportunity Act of 2008 (HEOA), which enforces the Digital Millennium Copyright Act (DMCA) at educational institutions, Syracuse University (SU) addresses and resolves issues of electronic copyright infringement by implementing preventative measures and policies to ensure compliance with federal laws.

Copyright owners or their agents send violation notices directly to SU upon discovering illegal sharing of their material via the SU network. Upon receipt of a complaint, Information Technology Services (ITS) will actively investigate the allegation(s) and enact its three-strike policy as described below:

- **Strike 1:** The offending computer is quarantined from the network. The user who has registered that computer is contacted via e-mail and directed to SU's [Information Technology Resources Acceptable Use Policy](#) regarding the sharing of electronic copyrighted material. The user is required to assert that they have read and understood the policy. Once this is done, the quarantine is lifted.
- **Strike 2:** The offending computer is quarantined from the network. The user who has registered that computer is contacted via e-mail and required to make an appointment with the Director of Information Security for a counseling session. During this session, the user is instructed on SU's [Information Technology Resources Acceptable Use Policy](#) regarding the sharing of electronic copyrighted material. Once this is done, the quarantine is lifted.
- **Strike 3:** The offending computer is quarantined from the network. The user who has registered that computer is referred to Office of Students Rights and Responsibilities, OSRR (if a student) or Human Resources (if faculty or staff) for disciplinary action which may include loss of all network privileges at SU.

SU does not actively monitor use of our network for the sharing of electronic copyrighted material.

In addition to sending complaints to SU, copyright owners may also take direct legal action against alleged infringers, and subpoena the University for information about individuals sharing files. The No Electronic Theft (NET) Act provides for serious criminal penalties, including a fine of up to \$250,000 and a potential jail sentence. Lack of knowledge about copyright infringement laws will not excuse one from legal consequences, or from action by the University. It is the responsibility of network users to be aware of the legality of their actions.

SU does not offer an on-campus source for the legal download of music or videos.

Digital Millennium Copyright Act (DMCA)

The Digital Millennium Copyright Act (DMCA) is legislation enacted by the United States Congress in October 1998 that makes major changes to the US Copyright Act. These changes were necessary in part to bring US Copyright law into compliance with the World Intellectual Property Organization (WIPO) Copyright Treaty and the WIPO Performances Phonograms Treaty. The DMCA also strengthened the legal protection of intellectual property rights in the wake of emerging new information communication technologies.

[Top of page](#)

Higher Education Opportunity Act (HEOA)

The Higher Education Opportunity Act (HEOA) of 2008 requires (among other things) that educational institutions deal with unauthorized file-sharing on their campuses by (a) an annual disclosure to students describing copyright law and campus policies related to violating copyright law; (b) a plan to "effectively combat" copyright abuse on the campus network using "a variety of technology-based deterrents"; and (c) "offer alternatives to illegal downloading."

Frequently Asked Questions

Will I be responsible for the DMCA copyright violation if someone else commits the violation using my assigned SU NetID?

Yes, if you allow another individual to use your assigned SU NetID. Each user must comply with the Information Technology Resources Acceptable Use Policy.

How do I know what is legal and what is not when it comes to copying music?

Here is the bottom line: If you distribute copyrighted music without authorization from the copyright owner, you are breaking the law. Distribution can mean anything from "sharing" music files on the Internet to burning multiple copies of copyrighted music onto blank CD-Rs.

Is it illegal to upload music onto the Internet even if I don't charge for it?

Yes, if the music is protected by copyright and you do not have the copyright holder's permission. U.S. copyright law prohibits the unauthorized distribution of copyrighted creative work whether or not you charge money for it.

If all I do is download music files, am I still breaking the law?

Yes, if the person or network you are downloading from does not have the copyright holder's permission.

What if I upload or download music to or from a server that is based outside of the U.S.?

If you are in the United States, U.S. law applies to you regardless of where the server may be located.

What if I download or upload poor-quality recordings?

The law prohibits unauthorized copying and/or distribution of digital recordings that are recognizable copies of copyrighted work. The quality of the recordings does not matter.

If I bought the CD, is it okay to make copies of it?

It is illegal to copy a CD for use by someone other than the original purchaser. This means it is illegal to loan a friend a CD for them to copy, and it is illegal for you to make mixed CDs and distribute them to your friends as well.

How do I know if something is copyrighted?

When you buy music legally, there is usually a copyright mark somewhere on the product. Stolen music generally doesn't bear a copyright mark or warning. Either way, the copyright law still applies. A copyrighted creative work does not have to be marked as such to be protected by law.

For more information

- [Facts & Myths](#)
- [Getting caught](#)
- [Removing P2P](#)
- [Copyright Legal Lingo](#)
- [Information Technology Resources Acceptable Use Policy](#)

[Top of page](#)