

The Serious Consequences of Sharing Copyrighted Files

Most movies, sound recordings, and software applications are copyrighted. duplicating copyrighted materials without the consent of the copyright holder is not only against Emerson College policy, it is against state and federal law. Those laws carry severe penalties, with up to \$250,000 in fines and 10 years in prison efor the most serious violations. In fact, students at other colleges have been convicted of illegally sharing copyrighted materials over the Internet and have served jail time.

Just as technology makes it possible to share copyrighted software, recordings, and movies over the Internet through peer-to-peer applications such as Kazaa, Morpheus, and Grokster, technology also makes it possible for the software, movie, and recording industries to detect those running file servers or illegally downloading copyrighted materials. In the past, Emerson College has been notified by the Recording Industry Association of America (RIAA) that is has detected users on the Emerson network that it believes to be illegally serving and downloading copyrighted materials.

The College has not had to reveal the identity of users suspected of illegally sharing copyrighted files, to RIAA and has dealt with those users as an internal disciplinary matter. However, a recent ruling by a federal judge in a case involving Verizon Communications and RIAA requires Verizon to give RIAA the names of two subscribers suspected by RIAA of illegally using Kazaa to offer copyrighted music for downloading. Citing a provision of the Digital Millenium Copyright Act, the judge upheld the right of RIAA to subpoena Verizon for the names of subscribers without presenting evidence of a crime and without the signature of a judge, as is usually required for a subpoena. As a result of that ruling, c,uEmerson College could be served with a subpoena and forced to disclose the names of users on Emerson's network who are suspected of illegal file sharing. Those users could find themselves charged with copyright infringement in a court of law.

Copyright holders are intent on protecting their interests. The Emerson College community is therefore advised to take the College's policies, as well as state and federal law, very seriously regarding illegal sharing of copyrighted materials. File sharing of copyrighted materials over the Internet can be detected by trade groups, and those groups can subpoena the names of users who are suspected of breaking copyright law. It is not safe to assume that if one shared copyrighted files in the past and were not caught that one won't be caught in the future. The serious consequences of breaking copyright law are not worth a free song, movie or software application.

Sources: The Chronicle of Higher Education, CNET News, dc.internet.com, and Wired News