

Copyright Compliance Policy

It is the policy of The Johns Hopkins University to comply with copyright law.

Copyright exists in any original work which exists or is fixed in any tangible medium of expression. Images displayable on computer screens, computer software, music, books, magazines, scientific and other journals, photographs and articles are some of the things subject to copyright. A copyright notice is not required.

Subject to exceptions contained in 17 U.S.C. §§ 107 and 108 (<http://www.copyright.gov/title17/92chap1.html>), it is a violation of copyright law to copy, distribute, display, exhibit or perform copyrighted works without the authority of the owner of the copyright. (For information about copyright law and various exceptions, see <http://guides.library.jhu.edu/c.php?g=202576&p=1334875>.) In short, copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). In the file sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Content owners are able to track the sharing and downloading of their copyrighted files via the IP address of the file sharer or downloader. Upon proper notice of infringement from the copyright owner to JHU as the Internet Service Provider in accordance with the Digital Millennium Copyright Act, JHU investigates, takes down any infringing site or material on the Johns Hopkins network, and blocks access to any infringing sites or material. JHU also investigates to identify the infringing user, and takes appropriate action to address misuse in accordance with JHU policies.

Summary of Civil and Criminal Penalties for Violations of Federal Copyright Laws

The unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject you civil and criminal liabilities. Penalties for infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys’ fees.

Willful copyright infringement also can result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see www.copyright.gov and www.copyright.gov/help/faq.

Other Consequences of Misuse

As set forth in the Policies for Student Use of Shared Information Technology Resources (<http://www.it.johnshopkins.edu/policies/itpolicies.html>), a violation of copyright law also constitutes a violation of University policy, and can result in suspension of user accounts and referral to the appropriate divisional authority for disciplinary action.

Legal Alternatives

For legal alternatives to illegal downloading, please see <http://www.educause.edu/legalcontent>.

Digital Millennium Copyright Act (“DMCA”)

Content owners or the person entitled to enforce a copyright on their behalf may notify JHU of any violation of a copyright on the university's system by sending a notice in the form required by the DMCA to:

Philip Roberts

Associate General Counsel

E-mail: philroberts@jhu.edu

University Plan to Address Copyright Infringement

In order to comply with JHU policy and with federal laws and regulations¹, JHU employs technology-based deterrents including: (i) packet shaping; (ii) automated intrusion prevention; (iii) network segmentation; (iv) firewalls; and (v) registration of devices to limit the ability of illegal peer to peer network function on campus. In addition, JHU educates the JHU community regarding copyright laws and internal policies via various web-based educational materials (see, for example: <http://guides.library.jhu.edu/copyright>, <http://guides.library.jhu.edu/c.php?g=202560&p=1335304>, and <http://www.it.johnshopkins.edu/policies/itpolicies.html>), and through an annual letter to students. JHU also requires all undergraduate students to pass an online test of JHU policies regarding the use of JHU Technology Resources, which includes questions regarding copyright law compliance.

JHU periodically reviews its plan to combat copyright infringement through ongoing discussions between the Chief Information Security Officer, the General Counsel's Office (which functions as JHU's DMCA agent) and various JHU stakeholders considering the frequency and management of legitimate DMCA notices. Strategic changes to the plan will be made to address perceived inefficiencies. JHU disseminates information on legal alternatives through the annual letter to students and via the listing on this policy page.

- [Learn more about the Digital Millennium Copyright Act \(DMCA\).](#)
- [Learn more about copyright law in general.](#)

ⁱ In addition to copyright law, JHU has adopted measures to comply with the Higher Education Opportunity Act and regulations adopted by the Department of Education to implement the requirements of the Act.