

Peer-to-Peer File Sharing The use of peer-to-peer computer file sharing programs (e.g., KaZaA, Morpheus, Limewire, iMesh, Gnutella, and Grokster) that are primarily employed to share copyrighted works is prohibited on the campus network. It is also a violation of this policy to employ technology designed to circumvent the blocking of this activity. Students who violate this policy will be subject to disciplinary action, up to and including suspension.

Copyright

It is the policy and intent of Washington and Lee University that all members of the University community adhere to the provisions of United States copyright law. A copyright grants to its owner the right to control an intellectual or artistic creation, to prohibit others from using the work in specific ways without permission, and to profit from the sale and performance of the work. Copyright protection extends beyond copies of the written word and recordings of sound to include visual and animated images, and encompasses "hard copy" and electronic use and duplication of protected works. Each member of the University community must take some individual responsibility for copyright compliance. The University has developed extensive guidelines to assist and direct faculty, students, and staff in their compliance obligations. The full University Policy for the Use of Copyrighted Works can be found at library.wlu.edu/copyrighhtoc.html. Conforming to this policy may in some cases result in additional costs to the student for course materials and some additional inconvenience and time delay in the preparation procedure of those materials. Members of the University community who willfully disregard the copyright policy do so at their own risk.

Whatever gray areas there may be in copyright law, offering for sharing over the network a recording, movie, text, software, graphic image, or other work without the authorization of the owner of that work's copyright is unambiguously offering to "distribute" that work. The Digital Millennium Copyright Act and other statutes require the University to cooperate in eliminating such activity. Unauthorized distribution of copyrighted works in this manner, or any other violation of copyright law, subjects one to serious legal consequences. Applicable civil penalties include: statutory damages of up to \$150,000; liability for damages, lost profits, costs, and attorneys fees; injunctions against any further infringing activity; and impounding and disposition of any infringing items. Criminal penalties may include imprisonment for up to 5 years, and fines of up to \$250,000.

Users must protect themselves and the University by not making copyrighted materials available over the Internet without the owner's authorization. Students must ensure that their computers are not offering to share copyrighted works. Faculty and staff may not use their University-owned computers to run file-sharing programs.

Public Performance of Copyrighted Works—Showing Movies

The Copyright Act protects audiovisual works such as films, videos, and DVDs, and controls the showing of movies to any public group. Among the rights of a copyright holder is the right to authorize public performance (showing) of videotape or DVD copies of films subject to “fair use.” Showing of copyrighted films, videotapes, or DVDs generally is permissible in conjunction with teaching activities.

If a videotape or DVD is labeled “For Home Use Only,” the showing must fall under the face-to-face classroom teaching exemption, be licensed or be permissible as “fair use.” Unless a license is acquired, most performances (showings) of films, videotapes, or DVDs in a public room, or in a university building (including public areas of fraternities, sororities, and other university housing), for entertainment whether a fee is charged or not, is an infringement.*

If a performance license is needed, the University’s libraries will assist you in seeking permission by helping you locate the address of the producer’s permissions department. You will then need to fax or send a letter giving full details of what, where, when, how many times, admission policy, advertising, etc. Add a line for the permission agent’s signature and include a self-addressed stamped return envelope or a return fax number. Student organizations showing films for entertainment purposes are responsible for paying royalties.

The showing of a protected work for a legitimate educational purpose may qualify as “fair use” or fall within the exemption of classroom teaching and not require permission. More information is available in the University's Policy for the Use of Copyrighted Works (library.wlu.edu/copyrighttoc.html), especially Section IV.

Use of W&L Names, Logos and Other Marks

Faculty, staff, and students may use the University’s names, logos, and/or other marks (e.g. W&L, the W&L crest) where necessary to identify themselves on matters of official University business. Use of the University

name for private purposes is limited to use purely for identification by a current or former member of the faculty, staff, and/or student body (e.g. “John Doe, Professor of Physics, Washington and Lee University,” or “John Doe, Class of ’79, W&L”). W&L names, logos, and other marks shall not be used by individuals or entities otherwise in a manner that implies University endorsement or responsibility for particular activities, products, or publications involved, or by any individual or group promoting itself, without the express written permission of the Provost or designee. Any and all use of the University names, logos, and/or other marks for commercial purposes is prohibited unless approved by the Treasurer or designee.

For more information, consult the University Policy on Intellectual Property at <http://counsel.wlu.edu/policy/IPPolicy.htm>.