

To the Clark University Community:

In August 2008, the Higher Education Opportunity Act (HEOA) was signed into law. Several of the Act's provisions are intended to reduce unauthorized duplication of copyrighted works through peer-to-peer (P2P) file sharing on campus networks. The University is providing you this notice in compliance with that legislation. You are **STRONGLY ADVISED** to read this notice thoroughly and give it careful consideration.

Clark routinely receives copyright infringement notices from the Motion Picture Association of America (MPAA), Paramount Pictures, and other copyright holders. Each notice is recorded and processed – to include a forward of the notice to the identified account with copies to the VP for Information Technology and the appropriate Academic Dean.

Peer-to-Peer (P2P) file-sharing applications that utilize the BitTorrent protocol (e.g., eMule, PeerGuardian, etc.) as well as streaming websites (e.g., PirateBay, PopcornTime, etc.) that enable users to share music, movies, games, textbooks, and other digital files with computers all over the world are commonly found online. While this type of P2P software has many legal uses, more often than not, it is used for unauthorized streaming, sharing and downloading of copyrighted materials. Using file-sharing software that downloads, uploads or streams substantial parts of copyrighted work (e.g. music, videos, software, games, etc.) without the permission of the copyright holder is a violation of Clark's Appropriate Use Policy and constitutes an infringement. Civil and criminal penalties for anyone found liable for copyright infringement include the following:

- Actual damages or "statutory" damages ranging from \$750 to \$30,000 per work infringed.
- Up to \$150,000 per work infringed for "willful" infringement plus potential costs and attorneys' fees.
- Imprisonment of up to five years and fines of up to \$250,000 per offense.

The best ways to ensure safe computing and compliance with Clark policy and the law are:

- **Do not use the Clark University network for illegal file sharing or streaming.** Content owners such as the recording industry, movie studios and gaming companies, specifically target illegal file sharing and illegal streaming activities on university networks.
- **Do not install P2P file-sharing software on your computer.** By default, P2P applications will search for and share content on your computer with others. P2P applications usually run as soon as you turn on your computer and continue to run in the background. Even if you disable uploading, copyrighted content in a "shared" folder can be seen by others using the same P2P network and many P2P programs may reset preferences to resume uploading. The RIAA and other content owners use the same P2P software that file sharers do! Their intent is to catch file sharers sharing their protected content with others. If you're running a P2P program, chances are that the RIAA is running the same software.
- **Do not visit file sharing websites that use a torrent application to transfer files.** There are many file sharing web sites on the Internet that make use of torrents and other P2P file sharing software, but most of them are linking to copyrighted software and media files. In addition, some of these piracy websites are also installing code on your computer that would allow them to "sell" the use of your computer's CPU power – without your knowledge or permission - for other unscrupulous activity (e.g., mining cryptocurrency).

For more information about P2P file sharing and copyright infringement, please visit [www.clarku.edu/p2p](http://www.clarku.edu/p2p) and [www.clarku.edu/offices/its/policies/filesharing.cfm](http://www.clarku.edu/offices/its/policies/filesharing.cfm), or contact the ITS Help Desk at 508-793-7745, [helpdesk@clarku.edu](mailto:helpdesk@clarku.edu).

Sincerely,

Pennie Turgeon, Vice President for Information Technology and CIO  
Davis Baird, Provost and Vice President for Academic Affairs  
Francy Magee, Associate Provost and Dean of Students