

When It Comes to Copying Music, What's Okay...and What's Not

Technology has made digital copying easier than ever, but just because advances in technology make it possible to copy music does not mean it's legal to do so. Here are tips from some record labels on how to enjoy the music while respecting the rights of others, including musicians.

Internet Copying

It is okay to download music from sites authorized by the owners of the copyrighted music, whether or not such sites charge a fee (see "Obtaining Music Legally on the Internet").

It is never okay to download unauthorized music from pirate sites or file sharing systems (see "Peer-to-Peer and File Sharing").

It is never okay to make available to others unauthorized copies of music through file sharing systems.

Copying CDs

It is okay to copy music onto special Audio CD-R's, mini-discs, analog cassettes, and digital tapes (because royalties have been paid on them already), for your own personal use, but not for commercial purposes or to share with friends.

It is legal to copy music as long as:

- The copy is made from an authorized original CD that you legitimately own and keep.
- The copy is just for your personal use. It is illegal to give away the copy or lend it to others for copying.

Enjoy the music. By making the right decisions, you'll be doing your part to make sure that the music keeps coming and that you are never accused of copyright infringement.

Additional Resources:

Simmons web page about file sharing and copyright:
my.simmons.edu/filesharing

Technology services available to Simmons students:
my.simmons.edu/technology/students

Ways You Could Violate Copyright Laws, Even Unintentionally

- Somebody emails you a copyrighted song, which you forward to your friends.
- You do not illegally offer recordings to others, but you join a file sharing network and download unauthorized copies of music or movies for free from the computers of other network members.
- You buy a music file from the Internet legally. A friend sends you a link to a site with lots of "free" music. The link turns out to lead you through installing file sharing software onto your computer. Unbeknownst to you, the file sharing software shares the purchased music that is on your computer with millions of other people around the world.
- You send copyrighted music to a buddy using an instant messaging service.
- You make an MP3 copy of several songs because the CD you bought expressly permits you to do so. But then you use your computer's CD burner to make copies and give the CDs to your friends. Unless someone paid royalties or the songs are all authorized for free reproduction, handing out copies of wedding and birthday mix CDs is illegal.



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Pay for the Music or Face the Music



TECHNOLOGY AT
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What the Law Says

Copyright law protects the value of creative work. When someone makes unauthorized copies of someone else's creative work, s/he is stealing and breaking the law. According to the law—as well as to the performers, writers, software engineers, and other people who make their living from royalties—downloading a song, movie, or piece of software in violation of its copyright is no different from shoplifting it.

Federal law provides severe civil and criminal penalties for the unauthorized reproduction, distribution, rental or digital transmission of copyrighted sound and video recordings (Digital Millennium Copyright Act). The FBI investigates allegations of criminal copyright infringement and violators may be prosecuted.

What the Law Means to You

If you make unauthorized copies of copyrighted music recordings, you are stealing and you are breaking the law. You could be held legally liable for thousands of dollars in damages.

This is important to know, considering how serious it would be if you were caught and prosecuted by the authorities or sued in civil court. It's even more important to understand that when someone illicitly makes or distributes recordings, they are taking something of value from the owner without his or her permission.

You may find this surprising because on the Internet, digital information often seems as free as air. The truth is that U.S. copyright law prohibits the unauthorized duplication, performance, or distribution of a creative work. This means before you copy or distribute copyrighted music or movies, you need the permission of the copyright holder.

What the Courts Have to Say

It doesn't matter whether you're dealing with sound recordings, movies, pictures, software, or written text. The courts have consistently ruled that unauthorized uploading and downloading, whether on a Peer-to-Peer (P2P) network or otherwise, amounts to copyright infringement and, therefore, constitutes a crime.

What is a Copyright Violation Complaint Notice?

This is a notice that is sent by industry representatives to Simmons, to report a specific violation. The complaint identifies the particular offense that is alleged to have taken place, the date/time of the infringement, and the Internet address of the computer on which it happened.

The RIAA (Recording Industry Association of America) is the representative organization that typically sends complaints to Simmons College.

What Happens If There is A Complaint

If a claim is made by a copyright holder against you as a student, we do the following to prevent the more serious repercussions described below:

- you will be notified by the College
- your computer will be disconnected from the network, thus preventing you from accessing the Internet, including email
- you will be given an opportunity to address the complaint by having the Help Desk verify that the listed files and file sharing software are not on your computer
- You may go before the Honor Board

Don't you have a better way to spend five years and \$250,000?

Theft of property, including copyrighted material, is a violation of the College's Honor Code. If you are found to be using the Simmons College network improperly, you could permanently lose network privileges.

In addition, the industries represented can—and have shown that they will—prosecute you to the extent the law allows. You can be sued in criminal court where penalties for first-time offenders can add up to \$250,000 and 5 years in jail; and civil court, where you could face damages up to \$150,000 per title for copyrighted works that you have downloaded or shared.



Many students in the Boston area have received settlement letters offering that they can admit guilt and pay a minimum of \$750 per song, or take their chances in court.

Peer-to-Peer (P2P) and File Sharing

Peer-to-Peer networking, one form of file sharing, enables one person to make files available for others to download. While there are legitimate and important uses for file sharing, the most common is to illegally share copyrighted material.

When you use file sharing services, you risk violating copyright laws. You also risk the health of your computer and the privacy of all information you have stored on it.

- Most file sharing programs automatically share files from your hard drive to anyone on the Internet with the same software, unless you take specific actions to prevent this.
- Shared files often carry viruses or other malicious software that can harm your computer.
- By installing file sharing software, you often load down your computer with spyware and adware, software that slows your machine to a crawl and reports personal information about you back to a central server.

Common file sharing applications are: Bearshare, BitTorrent, Edonkey, Gnutella, Grokster, i2hub, iMesh, Kazaa, Limewire, and Morpheus. Simmons urges you not to install any of this software on your computer. In fairness to all our customers, Technology will assist you the first time your computer suffers the repercussions of file sharing or malicious software. After that we may refer you to an off-campus service for assistance that will, for a fee, assist you.

Obtaining Music Legally on the Internet

Here are sites on the Internet where you can obtain music legally:

- **Apple iTunes music store** (no iPod required): www.apple.com/itunes
- **GarageBand** (free): www.garageband.com
- **Napster** (subscription service): www.napster.com

Sharing music obtained from one of these sites violates the use agreement, unless the site explicitly grants you that right for that material.

