

Statement on Filesharing and Peer-to-Peer (P2P) technologies at Xavier University

What is peer-to-peer filesharing?

On the Internet, peer-to-peer filesharing (P2P) is a type of Internet network that allows a group of computer users with the same software program to connect with each other and share files directly from one another's hard drives.

Which peer-to-peer applications are legal?

Peer-to-peer (P2P) technologies have many legitimate uses. Users can employ filesharing programs to lawfully and legitimately share large files they have the right or the license to share. For this reason, Xavier does not ban P2P programs from its network (though many colleges and universities do).

Which peer-to-peer applications are illegal?

Studies have shown that most peer-to-peer filesharing is unauthorized and often infringes copyright, which is illegal. One of the primary uses of P2P technology has been copying of commercial music, games and videos, without the copyright holder's permission, for personal use and entertainment. These kinds of activities almost certainly violate copyright law. Any of the following activities, if done without permission of the copyright owner, are usually illegal:

- Copying, downloading and sharing copyrighted images, music, movies, television shows, games, e-books or other copyrighted material through the use of P2P technology.

Popular programs and software for these activities have included Napster, Kazaa, Gnutella, LimeWire, Grokster, Morpheus, FastTrack, eDonkey, mIRC, and BitTorrent.

Having P2P filesharing applications installed on a computer can easily result in sharing copyrighted works without even realizing it. Installing P2P software can cause a user to unintentionally share files with other P2P users, and the user may then be personally responsible for the legal and financial consequences.

What are Xavier's policies on filesharing?

Unauthorized filesharing is explicitly prohibited by Xavier's policies. Respect for intellectual labor and creativity is vital to academic discourse and enterprise, and this extends to protection of copyrights. This principle applies to works of all authors, inventors, trademark owners, and publishers in all media. Because electronic information is so volatile and easily reproduced, respect for the work of others is especially critical in the digital world. As such, Xavier takes unauthorized filesharing seriously.

Xavier's [Policy on the Acceptable Use of University Equipment and Network Systems](#) (which applies to all Xavier faculty, staff and students) explicitly states that all copyrighted information that is stored, transmitted or maintained using Xavier's equipment or networks must conform with applicable copyright and other laws. Using unauthorized filesharing applications or illegally downloading or sharing files, including, without limitation, movies, music, applications, and other software, is prohibited. Additionally, University policy forbids activity that threatens the security of the Xavier University network and computing environment.

Illegal filesharing is also explicitly prohibited in Xavier's [Student Handbook](#): "Downloading music, video, or other protected electronic media without documented permission from the licensed agency" is a

violation in the section *Respect for University Values: Honesty and Integrity* (Xavier Student Handbook, 2009-2010, p. 20).

Violations of copyright through filesharing and peer-to-peer networks may result in restriction of access to University information technology resources in addition to disciplinary action that may be applicable under University policies.

University policy covering use of the Xavier network extends to any computers connected to the Xavier network, whether in a residence hall, university computer lab, at home or elsewhere off campus, and any computer use using a Xavier UserID and password.

What are the risks and penalties for copyright violation through filesharing?

Filesharers face potentially serious legal and financial consequences for violating copyright law through peer-to-peer networks, including lawsuits and other civil and criminal penalties. Content owners, such as the recording industry, movie studios, and game and software companies, have always aggressively protected their copyrights. These include the Recording Industry Association of America (RIAA) and the Motion Picture Association of America (MPAA). In 2003 these groups began a campaign against filesharing web sites and services, and launched a series of large-scale lawsuits against individual filesharers. Many cases have been settled out of court for thousands of dollars. In most instances when a lawsuit involving filesharing has gone through the court process, the RIAA and MPAA have won, and filesharers, including college students, have lost. Penalties in these cases can be extremely high; in 2009 one young woman received a \$1.2 million judgment against her for downloading 24 songs.

P2P software also can undermine network security and expose computers to threats, such as viruses, malware, password and identity theft, spyware, and other threats that can incapacitate computers.

How do filesharers get caught?

Copyright holders can see their material being used and can identify filesharers through their unique Internet Protocol (IP) addresses. The RIAA, MPAA and other content owners aggressively track the use of their works, using the same P2P networks that filesharers use. They search for a particular copyrighted work on the Internet, and when they find it being shared from Xavier IP address, they then issue an infringement notice to Xavier, as the Internet Service Provider (ISP). We've seen a dramatic increase in this activity recently. From there, we can identify the individual involved, through his/her UserID.

When Xavier receives a complaint from a copyright holder, we notify the individual involved and pass along any information received from the copyright holder to that individual. We do not supply any information to the copyright holder about the individual involved unless a valid subpoena is presented.

How do I know if something is copyrighted?

It is generally safe to assume that all recent, commercially-produced works, such as current songs, movies and television, are copyrighted. Copyright applies not just to printed works, but also photographs, web sites, sound recordings, films, and computer software among other original works. An original work is copyrighted whenever it is fixed in a "tangible mode of expression." To be copyrighted, works can be in almost any format, can contain almost any content, and do not have to have a © symbol. Copyright protection lasts a very long time.

Very old works, and other works which have fallen into the public domain, may be used without restriction by anyone. Examples of some works in the public domain

- Works published before 1923 in the United States;
- Works for which the copyright term has expired without renewal;
- Works the author has intentionally placed in the public domain; or
- Works that are products of the U.S. government.

Most of what is shared via peer-to-peer networks does NOT fall into these categories, and therefore cannot be legally shared.

How can I avoid illegal filesharing and its dangers?

- **Disable or remove peer-to-peer filesharing programs** from your computer. Some of these programs automatically share everything on your machine, even if you've opted *not* to share.
- **Use a firewall.**
- **Update your operating system** and the other software on your computer.
- **Install antivirus software** and keep it active and current
- **Install antispyware software** and keep it active and current
- **Do not share your passwords** with anyone for any reason.
- **Delete any pirated material** found on your computer.
- **Learn all you can about your P2P software** before downloading it.
- **Be very careful about the files you download** or make available to others. When in doubt about any program or file, it is best not to download it or share it.
- **Do not store copies of copyrighted files** that you have legally purchased, such as songs from a CD or a licensed retail music site in your P2P filesharing folder. (Most P2P shared files are typically stored in a single folder on your computer, often named "Shared Files").
- **Use legal sources for media:** The [Recording Industry Association of America](#) (RIAA), [Motion Picture Association of America](#) (MPAA), and [EDUCAUSE](#) provide a list some of the more popular legal online media sources. If you want to purchase access to songs or movies, find a service that has negotiated copyright agreements with the companies representing the artists. Some of these legal sources include:
 - [Amazon MP3 Downloads](#)
 - [Amazon Video on Demand](#)
 - [Blip.fm](#)
 - [CinemaNow](#)
 - [Comedy Central Video](#)
 - [Discovery Channel Videos](#)
 - [Hulu Movies & TV](#)
 - [iLike](#)
 - [iMDb Video](#)
 - [iTunes Movies, Music, & TV](#)
 - [Joost Movies & TV](#)
 - [Last.fm](#)
 - [MediaNet](#)
 - [MovieFlix](#)
 - [MP3.com](#)
 - [MTV Video](#)
 - [MySpace Music](#)
 - [Netflix Movies & TV](#)
 - [Pandora](#)
 - [Rhapsody](#)
 - [Xbox Live Marketplace](#)
 - [Yahoo! Music](#)
 - [Zune](#)

It is ultimately your responsibility to ensure that the files you are downloading and sharing are legal copies.