



## Peer-to-Peer File-Sharing and Copyright Infringement: Are You Vulnerable?

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### Peer-to-Peer File-Sharing: What is the risk?

Every day, millions of computer users share files online. Whether it is music, games, or software, file-sharing can give people access to a wealth of information. You simply download special software that connects your computer to an informal network of other computers running the same software. Millions of users could be connected to each other through this software at one time. The software often is free and easily accessible.

Sounds promising, right? Maybe, but make sure that you consider the trade-offs. File-sharing can have a number of risks. For example, when you are connected to file-sharing programs, you may unknowingly allow others to copy private files you never intended to share. You may download material that is protected by the copyright laws and find yourself mired in legal issues. You may download a virus or facilitate a security breach.

### What is the copyright issue?

Under copyright law, it is illegal to download or share copyrighted materials such as music or movies without the permission of the copyright owner. The record and movie industry in recent years has taken an aggressive approach to stopping illegal downloading and file sharing. This has put many students at the nation's colleges and universities at some legal risk.

Your actions when downloading or sharing files are traceable and could result in a significant financial penalty to you.

### What is the record and music industry doing about illegal downloads?

**Update:** As of early Dec., 2008, the RIAA is no longer pursuing lawsuits or pre-settlement letters as a means to combat online music sharing (**read more from the Wall Street Journal**). Please note that this does not change Capri Cosmetology Learning Centers' policy against copyright infringement.

There are many initiatives that address illegal file sharing. For instance, the Recording Industry Association of America (RIAA) is now sending colleges and universities letters pointing to specific alleged instances of illegal file sharing and requesting Capri Cosmetology Learning Centers to forward the letter to the person Capri Cosmetology Learning Centers identifies as being associated with the activity. The letter, called a "Pre-Settlement Letter" notifies the student that he or she has a specified number of days to settle with the RIAA by going to a designated website, entering identifying information, and paying a set amount, usually between \$3,000 and \$5,000, but sometimes considerably more. The letter

states that, if the recipient chooses not to settle, the RIAA will file a lawsuit and the offer to settle for the amount stipulated may no longer be an option.

### **How does CCLC respond to Pre-Settlement Letters?**

**Update:** As of early Dec., 2008, the RIAA is no longer pursuing lawsuits or pre-settlement letters as a means to combat online music sharing (**read more from the Wall Street Journal**). Please note that this does not change Capri Cosmetology Learning Centers' policy against copyright infringement.

Capri Cosmetology Learning Centers will forward pre-settlement letters to individuals accused of copyright infringement when they are reasonably identifiable. Capri Cosmetology Learning Centers will not forward pre-settlement letters when such individuals are not reasonably identifiable. Notwithstanding, in some cases, email notification may be provided to individuals whose identifying information appears in logs that could potentially be subject to a subpoena at a later point in time. Pre-settlement letters are forwarded to identified individuals so that they know the letters exist and can make their own decision about how to proceed. Not forwarding the pre-settlement letter to students could result in their being served with a lawsuit, with no chance to settle it beforehand. **Under no circumstances will the CCLC release any identifiable student information unless required to do so by a subpoena.**

### **What resources are available for students?**

Help can be obtained from for students with technical questions such as:

### **What options exist for obtaining music and movies legally over the Internet?**

As tempting as it may be, downloading music or movies and sharing files with friends in violation of copyright is illegal and the consequences can be severe. Please inform yourself of the requirements of the law and please obey them. Otherwise, your actions may prove costly for you and your family.

A growing number of secure, RIAA-approved options are available for downloading music files. A few of the services that have emerged include:

**amazonmp3™**

**<http://www.amazon.com/mp3>**

Amazon MP3, digital music service offering a large selection of a la carte DRM-free MP3 downloads for listening. Songs can be downloaded for a modest fee.

**Apple™ iTunes**

**<http://www.itunes.com/>**

Users pay a modest fee per song to download music that can then be burned onto CDs or placed on an iPod™, Apple's portable music listening device. iTunes claims to have 500,000 songs in its database. Its software comes in both Mac and Windows versions.

**Napster®**

**<http://www.napster.com/>**

The new Napster charges a monthly fee for unlimited listening. For a modest fee individual songs can be burned onto CD. Napster boasts of having 500,000 songs from all musical genres. Its software requires Microsoft™ Windows.

**Rhapsody™**

**<http://www.listen.com/>**

Rhapsody is a subscription service from Real™ (the makers of the Real Media Player). They charge a monthly fee for unlimited listening, and a modest fee to download and store songs.

**Y! Music™**

**<http://new.music.yahoo.com/>**

Find music videos, internet radio, music downloads and all the latest music news and information on Yahoo! Music. Yahoo! Music Unlimited is a subscription music service that requires an annual or monthly fee for unlimited listening. Songs can be downloaded and stored for modest fee.

**Zune™**

**<http://www.zune.net/>**

Zune Marketplace offers songs, albums, DRM-free MP3s, music videos, audio/video podcasts and more. Offers a subscription music service that allows unlimited downloads for a monthly fee or individual tracks can be downloaded for a modest fee.

**Additional Information**

- **American Council on Education Joint Committee of the Higher Education and Entertainment Communities, Peer-to-Peer file sharing statement from the**
- **Background Discussion of Copyright Law and Potential Liability for Students Engaged in Peer-to-Peer File Sharing on School Networks (2006)**
- **RespectCopyrights.org:** Developed by the Motion Picture Association of America