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## **San Diego Global Knowledge University Institutional Policy on Copyright Infringement**

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement. The Higher Education Opportunity Act of 2008 (HEOA) includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted material through peer-to-peer (P2P) file sharing. These provisions include requirements that:

- \* institutions certify to the Secretary of Education that they have developed plans to effectively combat the unauthorized distribution of copyrighted material;
- \* institutions make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish illegal distribution of copyrighted materials;
- \* institutions publicize alternatives to illegal file sharing.

SDGKU responds promptly to legitimate notices or letters of illegal copyright infringement based on the requirements of the Digital Millennium Copyright Act and directs both our President/CEO, Chief Academic Officer and Chief Compliance Officer to investigate and respond.

SDGKU will cooperate fully with any investigation by public authorities related to illegally downloaded copyrighted information. Students found guilty will be subject to the full extent of fines and penalties imposed, as well as facing automatic loss of computer access, and possible suspension. Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorney fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see the Web site of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).



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Consistent with our educational principles, we view education as the most important element in combating illegal sharing of copyrighted materials at SDGKU. We use a wide variety of methods to inform our community about the law and our internal response to copyright infringement claims: Language has been added to the Annual Security Report outlining the Digital Millennium Copyright Act, as well as sanctions for non-compliance.

SDGKU blocks access from campus to all legitimate sources of copyrighted material. Although we cannot maintain an up-to-date list of alternatives we point students to the Educause list at <http://www.educause.edu/Resources/Browse/LegalDownloading/33381>

SDGKU will review this plan each year to insure it is current and maintains the appropriate and necessary information to effectively combat illegal file sharing, as well as update the methods employed as new technological deterrents become available.