

## **COPYRIGHT AND FILE SHARING POLICY**

*The term "copyright and fair use" refers to material someone else created that you, as a student or faculty member, would like to use.*

Hawaii Medical Institute requires that all faculty, staff and students comply with federal law regarding the use of copyright protected materials including material for use in the classroom, out of classroom in presentations, online, at conferences, and in homework. This also includes file-to-file sharing.

Under the Digital Millennium Copyright Act, Hawaii Medical Institute has the responsibility to remove or deny access to websites with copyright violations if the websites are part of the College's network. In this event, it is the producer of the material that is liable for any copyright infringements.

Copyright law does make allowances for "fair use" of copyrighted material under certain circumstances. The circumstances are evaluated based on four criteria:

1. The purpose and character of use;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion used; and
4. The effect of use on the potential market of the work.

### **Civil and Criminal Penalties**

A person found to have committed a copyright violation may be civilly liable for up to \$150,000 for each separate act of infringement. Individuals may also be prosecuted criminally for copyright infringement. First offenses may result in a prison sentence of up to five years and fines of up to \$250,000.