



# THE JOHN MARSHALL LAW SCHOOL

## Copyright Infringement Policy

1. **Background and Purpose:** Unauthorized copying or distribution of copyrighted material violates the U.S. Copyright Act and The John Marshall Law School's Technology Use Policies (TUP). These policies, among other things, prohibit *illegal* downloading and sharing of copyrighted material over the John Marshall network, including through the use of email, web pages, and peer-to-peer file-sharing software. This prohibition applies to all computers and mobile devices accessing the John Marshall network, whether owned by John Marshall or personally owned by a community member. Before downloading or sharing any material over the John Marshall network, members of the community should ensure they have the legal right to do so.
2. **Digital Millennium Copyright Act (DMCA):** John Marshall's responsibility under the law is to respond expeditiously to remove, or disable access to, the material that is claimed to be infringing copyright. The policies for DMCA complaints are as follows:
  - a. **Students—First Violation:** The first time that John Marshall's Information Technology Services (ITS) receives a DMCA complaint for a student, ITS will send a violation notice to the student directing the student to make an appointment to meet with the Director of Library & Technology within a specified period of time. The student will be required to remove or block access to any materials identified as infringing copyright in the DMCA notice, as well as any other infringing material, and certify in writing that he or she has done so. If ITS does not receive a response to its violation notice within the specified time, ITS will suspend the student's access to the John Marshall network.
  - b. **Students—Subsequent Violation:** If ITS receives subsequent DMCA complaints for the same student, ITS will suspend network access for the student and refer the matter to the Faculty Discipline Committee for disciplinary action. Details regarding the first complaint will be provided and taken into account in any disciplinary sanction. ITS will restore network access only upon the request of the Faculty Discipline Committee or the Dean.

- c. **Faculty, Staff, and Authorized Guests:** These policies apply to faculty, staff, and other authorized users, as well as students. If ITS receives a DMCA complaint for a faculty member, the matter will be referred to the Vice Dean for Academic Affairs. If ITS receives a DMCA complaint for a staff member or other authorized user, the matter will be referred to the individual's department head, supervisor or, for guests, primary faculty or staff contact, and the General Counsel and Assistant Dean for Human Resources.
3. **Deterrents to Unauthorized Copying and Distribution:** The ITS department also employs the following technology-based deterrents to the unauthorized copying and distribution of copyrighted material: (a) dropping traffic associated with common peer-to-peer file sharing protocols on the John Marshall network, (b) tracing illegal activity to specific users on the John Marshall network, including its wireless network, in response to DMCA complaints, and (c) random reviews of high bandwidth usage on the John Marshall network.
  4. **Legal File-Sharing Alternatives:** The John Marshall Law School is committed to upholding copyright law and deterring infringement, and it strongly encourages the use of legal alternatives to illegal file sharing. For a comprehensive list of legal sources of online content, [visit the EDUCAUSE website](#).

*This administrative policy will be reviewed on an annual basis and modified as necessary to ensure its continuing effectiveness. Last reviewed: November 13, 2017.*

## **Summary of Civil and Criminal Penalties for Violation of Federal Copyright Laws**

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 § 106 of the Copyright Act (Title 17 of the U.S. 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.

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 attorneys’ fees. For details, see Title 17 U.S. Code §§ 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 U.S. Copyright Office's website at [www.copyright.gov](http://www.copyright.gov), especially the FAQs at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

### **Reporting Claims of Copyright Infringement**

The John Marshall Law School respects the intellectual property of others, and we ask our students, faculty, and staff, and those accessing the John Marshall network or posting to John Marshall websites, to do the same. In accordance with the DMCA, John Marshall has appointed an agent to receive notification of alleged copyright infringement occurring on the John Marshall network or in the jmls.edu domain. If you believe that your copyrighted work is being infringed, please notify our agent specified below:

**Ramsey Donnell**  
*Director, Library & Technology*  
The John Marshall Law School  
315 S. Plymouth Ct.  
Chicago, IL 60604  
Phone: 312.427.2737 ext. 266  
Fax: 312.427.8307  
Email: [rdonnell@jmls.edu](mailto:rdonnell@jmls.edu)

In notifying us of the alleged copyright infringement, please include the following information:

1. The electronic or physical signature of the owner of the copyright or the person authorized to act on the owner's behalf;
2. A description of the copyrighted work that you claim has been infringed and a description of the infringing activity;
3. The location where the original or an authorized copy of the copyrighted work exists, for example the URL of the website where it is posted or the name of the book in which it has been published;
4. The URL or other specific location on this site where the material that you claim is infringing is located;
5. Your name, address, telephone number, and email address;
6. A statement by you that you have a good-faith belief that the disputed use is not authorized by the copyright owner, its agent, or the law;

7. A statement by you, made under penalty of perjury, that the information you provide is accurate and that you are the copyright owner or are authorized to act on the behalf of copyright owner.

### **DMCA Counter-Notification Procedures**

If you receive a DMCA complaint/notice from ITS and believe that any of your content was removed or access to it was disabled by mistake or misidentification, you may file a counter-notification with John Marshall (a “*DMCA Counter-Notice*”) by submitting written notification to John Marshall’s DMCA Agent identified above. Pursuant to the DMCA, the DMCA Counter-Notice must include substantially the following:

1. Your physical or electronic signature;
2. The material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access disabled;
3. A statement under penalty of perjury by you that you have a good-faith belief that the material identified above was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled;
4. Your name, address, and telephone number (and if you wish to facilitate John Marshall’s ability to contact you, your e-mail address); and
5. A statement that you consent to the jurisdiction of the federal district court for the judicial district in which your address is located (or if your address is outside of the United States, for any judicial district in which John Marshall may be found), and that you will accept service of process from the person who provided us with the DMCA Notice at issue.

The DMCA allows John Marshall to restore the removed content if the party filing the original DMCA Notice does not file a court action against you within ten business days of receiving the copy of your DMCA Counter-Notice.

Please be aware that if you knowingly materially misrepresent that material or activity on John Marshall’s network or websites was removed or disabled by mistake or misidentification, you may be held liable for damages (including costs and attorneys’ fees) under Section 512(f) of the DMCA.

*Administrative policy updated November 13, 2017.*