

Springfield Public Schools

Software Piracy and the Law

What is the definition of software piracy?

Software piracy is the unauthorized use of software. It includes the illegal duplication of copyrighted software or the installation of copyrighted software on more computers than authorized under terms of the software license agreement. (Encarta® World English Dictionary [North American Edition] © & (P) 2001 Microsoft Corporation. All rights reserved. Developed for Microsoft by Bloomsbury Publishing Plc.)

When an individual or institution purchases software, they only purchase the right to use the software. The copyright belongs to the developers of corporation who produces the software.

What exactly does the law say about copying software?

The law says that anyone who purchases a copy of software has the right to load that copy onto a single computer and to make another copy "for archival purposes only". It is illegal to use that software on more than one computer.

Can I give or sell a "backup copy" of a licensed program to other people?

A "backup copy" can be used for "archival purposes only." This copy cannot be sold or distributed to another party without the consent of the copyright owner.

Can I take a piece of software owned by my school and install it on my personal computer at home?

A good rule of thumb is one software package per computer, unless the terms of the license agreement allow for multiple use of the program.

Are schools exempt from copyright laws?

Schools must uphold copyright laws. It is wrong for a school to duplicate software (or allow its faculty or students to do so) without authority from the publisher.

Aren't schools allowed to make copies for educational purposes?

No. Like individuals and corporations, the copyright law binds educational institutions.

Because of their unique position of influence, schools have a particular obligation to abide by the copyright law and educate students about their own responsibilities when using software. Just as it would be wrong to buy one textbook and photocopy it, for use by many students, it is wrong for a school to duplicate software without the authorization of the publisher. This means that educators cannot make unauthorized copies of software for their students, either to use in school or to take home.

Are people who copy software aware they are breaking the law?

Because the software industry is relatively new and because copying software is so easy, many people are either unaware of the laws governing software use or choose to ignore them. It is the responsibility of each and every software user to read and understand the license agreements of the products they use complies with copyright law.

What are the maximum civil penalties for copyright infringement?

In the United States, the infringer is liable for damages suffered by the copyright owner plus any profits of the infringer that are attributable to the copying or statutory damages of up to \$150,000 for each work infringed." (Retrieved from the World Wide Web, July 21, 2002, <http://www.siiia.net/piracy/faq/default.asp>)

What are the maximum criminal penalties for copyright infringement?

"In the US, the infringer could be fined up to \$250,000 and jail terms of up to five years." Retrieved from the World Wide Web, July 21, 2002, <http://www.siiia.net/piracy/faq/default.asp>)

References and Resources

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