



## USE OF SOFTWARE

Just as design is a designer's creative property, computer software is intellectual property that is owned by the people who created it. Without the expressed permission of the manufacturer or publisher, it is illegal to use software no matter how you got it. That permission almost always takes the form of a license from the publisher, which accompanies authorized copies of software.

When you buy software, what you're really doing in almost every case is purchasing a license to use it. Rather than owning the software, you acquire limited rights to use, reproduce and distribute the program according to the terms spelled out in the license.

**Using software for which you have not acquired a license is wrong.**

A program can be installed and used on only one computer at a time, although there are usually provisions allowing you to make a “backup” copy for archival or disaster-recovery purposes. If you don’t comply with the terms of the license—for example, by installing the same copy of a single-user program on several computers—that’s software piracy. The publisher can take legal action against you or your business.

The license isn’t the only way in which software is protected. Copyright and sometimes patent law protect software from unauthorized copying, distribution and sale. The law also recognizes the internet and prohibits users from uploading, downloading or transmitting unauthorized copies of software online. An individual who breaks these laws—or a company that looks the other way when an employee does—is liable to civil and criminal action. The consequences range from public embarrassment through adverse publicity to significant civil damages, criminal fines and even the possibility of imprisonment.

**Illegal software carries hidden risks.**

Software publishers offer their legitimate customers a wide array of products and services in addition to the actual program: user manuals and other documentation, notification of problems, training, support services, repairs and upgrades. A legitimate copy also ensures you that you’re getting the quality product produced by the rightful owner of the program.

An illegal copy enjoys none of these benefits. Further, it could well be an outdated version of the software, a test copy with bugs, an improperly made copy that can damage data or hide a damaging virus. Any one of these problems could quickly escalate into costly damage recovery far more expensive than the money you “saved” by purchasing illegal software.

Illegal software cheats its creators out of their fair reward for the innovation they have created and cheats your company out of the full value of the software. And it could well damage your data, tarnish your business reputation, subject you to fines or even land you in prison. In many respects, the most important issue is your integrity. You cannot fairly advocate the protection of what you create without respecting the comparable rights of others.

**Software is an asset: Learn to manage it.**

Before anything else, your company culture must be one in which all your employees understand the value of software, learn the difference between legal and illegal use and pledge their commitment to the proper use of software. To do this, you must have a clear statement of policy. The statement should express the company’s goals to manage software for maximum benefit, deal only in legally licensed software from an authorized dealer and spell out the company’s procedure for acquiring legal software. An effective software purchase procedure consists of the following:

- Centralize all your purchases through a single professional on your staff
- Ensure the software being requested is on the company’s list of supported software
- Buy only from reputable, authorized sellers
- Work only with reputable application service providers (ASPs) and ensure you maintain all relevant licenses and documentation with that ASP
- Get original user materials (manuals, registration cards, etc.), licenses and receipts with each purchase

- Don’t permit employees to buy software directly or charge it to their expense accounts
- Ensure that software cannot be downloaded from the internet by employees without special approval

Whatever your policy, make sure that it is included in any information given to new employees, distributed to all current employees, posted on company bulletin boards and available on company computer networks. Every employee needs to acknowledge the statement of policy and the consequences of violating it. In turn, employers must take steps to educate employees on what constitutes illegal use of software.

### Sample Software Management Policy

1. (Organization) licenses the use of computer software from a variety of outside companies. (Organization) does not own this software or its related documentation and, unless authorized by the software developer, does not have the right to reproduce it except for backup purposes.
2. With regard to Client/Server and network applications, (Organization) employees shall use the software only in accordance with the license agreements.
3. (Organization) employees shall not download or upload unauthorized software over the internet.
4. (Organization) employees learning of any misuse of software or related documentation with the Company shall notify their manager.
5. According to applicable copyright law, persons involved in the illegal reproduction of software can be subject to civil damages and criminal penalties. (Organization) does not condone the illegal duplication of software. (Organization) employees who make, acquire or use unauthorized copies of computer software shall be disciplined as appropriate under the circumstances. Such discipline may include termination.

6. Any doubts concerning whether any employee may copy or use a given software program should be raised with a responsible manager before proceeding.

I am fully aware of the software use policies of (Organization) and agree to uphold those policies.

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*(Employee signature and date)*

### Take inventory of your software.

Once you have a policy, your next step is to take inventory of your software assets. Only by knowing what programs are installed on all the computers in your organization—desktops, laptops and any copies of programs from work installed by employees on their home computers—can you determine how to proceed. An accurate inventory can answer the following questions:

- Are we using the most recent or most suitable version of programs we need?
- Are we using outdated or unnecessary programs that can be deleted?
- Are there other programs we should obtain to become more productive or efficient?
- Does each employee have the correct set of programs available to him or her?
- Are employees properly trained to use the software we have?
- Do we have illegal, unauthorized or unlicensed programs or copies in our business?

No matter what tools you use, make sure to collect product name, version number and serial number for each copy of software installed on each computer.

You should also take an inventory of material related to software on your computers, including:

- All original CDs or other storage media used to install the programs on your computers
- All original manuals and reference documentation
- All license documentation
- All invoices, proofs of purchase and other documents proving the legitimacy of your software. This includes invoices for computer systems that were sold to you with software already installed.

Once the inventory is completed, you should carefully store the documentation, original copies of your software and other material in a secure place. That way, you can take advantage of services, upgrade offers and the like from publishers and be more easily able to reinstall software in case of a disaster.

With your inventory in hand, you can compare the software that's installed on your company's computers to what's allowed under the terms of your licenses. (Remember that some licenses allow you to make a certain number of copies of a program from a single source, or to have a limited number of employees use the software at the same time from a network. The original license will tell you how many.) Also remember that simply having an original CD or DVD for the software doesn't necessarily mean you have authorized copies. Only the original license spells out the terms and gives you the right to use the software.

Once you have identified any illegal software copies in your business, you should delete them from your computers. This is also an ideal time to remind employees about the company's software policy and the dangers associated with using illegal software.

Next, compare the legitimate copies of software that remain on your computers with the needs of your company that you identified when taking the inventory. You can make informed decisions about which software you legally have that you want to keep, upgrade or discard. Programs can be moved from computers where they are not needed to computers where they are. Programs can be upgraded, if necessary, so that everyone is using the version of the program that's most appropriate for your company. And you can purchase only the new, legitimate software you need.

Based on the inventory, upgrades, new purchases and input from employees, you can now create a formal list of the software that your company will allow its employees to use. It should include program names, serial numbers, version numbers, number of copies or users permitted by the license, the computers on which the copies are installed and plans to add, upgrade or discard the software in the future.

### **Follow through on software management.**

Effective software management is a continual process. You need to monitor employee adherence, guard against the introduction of illegal software, keep your list of supported software up to date and plan ahead for the next three years. It makes sense to have someone within your studio responsible for the process in order to centralize the job.

Periodically, it's a good idea to perform spot checks on individual computers to make sure illegal software has not been inadvertently or deliberately installed. It also makes sense to conduct an inventory every year, as you might for other valuable assets. When employees leave the company, make sure the software they worked with remains with your company and that they do not take or keep copies. Prevent piracy from damaging the operations or integrity of your studio.

After you've put your software assets in good order, you'll still need to monitor your workplace for illegal software. There are five common types of end-user piracy, and understanding each will help you and your employees avoid the problems of illegal software.

### **End-user piracy**

End-user piracy occurs when an employee of your company reproduces copies of software without authorization. End-user piracy can take the following forms:

- Using one licensed copy to install a program on multiple computers
- Copying disks for installation and distribution
- Taking advantage of upgrade offers without having a legal copy of the version to be upgraded
- Acquiring academic or other restricted or nonretail software without a license for commercial use
- Swapping disks in or outside the workplace

### Client-server overuse

Client-server overuse occurs when too many employees on a network are using a central copy of a program at the same time. If you have a local-area network (LAN) and install programs on the server for several people to use, you have to be sure your license entitles you to do so. If you have more users than allowed by the license, that's "overuse." You can correct this problem by making sure employees understand the restrictions, by installing "metering" software that ensures only the licensed number of users have access or by purchasing another license that covers the number of users you need.

### Internet piracy

The software industry plays a leading role in ensuring that the internet reaches its full potential. To date, software publishers have contributed in countless ways to the internet's success, providing the means by which content can be created, displayed and exchanged, and providing some of the most desired content itself. However, intellectual property theft on the internet constrains the software industry and significantly reduces its positive impact on economies throughout the world. There are thousands of fraudulent websites selling a variety of illegitimate software products. Internet piracy represents a serious threat to electronic commerce.

While there are many publishers that offer authorized versions of their software for sale online, there are also numerous pirate operations to be aware of on the internet as well:

- Websites that make software available for free downloading or in exchange for uploaded programs
- Internet auction sites that offer counterfeit, out-of-channel or nontransferable software that infringes on copyrights
- Peer-to-peer networks that enable unauthorized transfer of copyrighted programs

The same purchasing rules should apply to online software purchases as for those bought in traditional ways. Organizations should have a clear policy as to when, whether or with whose authorization employees may download or acquire software from websites.

Below are some tips to help ensure that the public and businesses are purchasing legal software on auction sites:

- If a price for a software product seems too good to be true, it probably is.
- Be wary of software products that come without any documentation or manuals.
- Beware of products that do not look genuine, such as those with hand-written labels.
- Beware of sellers offering to make "backup" copies.
- Watch out for products labeled as academic, OEM, NFR or CDR.
- Be wary of compilations of software titles from different publishers on a single disk.
- Do not give out your credit card details unless you know it's a secure transaction.
- Check with organizations such as the Business Software Alliance ([www.bsa.org](http://www.bsa.org)) should you become a victim of software fraud.

### Hard-disk loading

Hard-disk loading occurs when the business that sells you a new computer loads illegal copies of software onto its hard disk to make the purchase of the machine more attractive. The same concerns and issues apply when you engage a value-added reseller (VAR) to sell or install new software onto computers in your office. You can avoid purchasing such software by ensuring that all hardware and software purchases are centrally coordinated through your organization and all purchases are made through reputable suppliers. Most importantly, require receipt of all original software licenses, disks and documentation with every hardware purchase.

### Software counterfeiting

Software counterfeiting is the illegal duplication and sale of copyrighted material with the intent of directly imitating the copyrighted product. In the case of packaged software, it is common to find counterfeit copies of the CDs incorporating the software program, as well as related packaging, manuals, license agreements, labels, registration cards and security features. Sometimes it is clear the product is not legitimate, but often it is not. Look for the following warning signs:

- You're offered software whose price appears "too good to be true."
- The software comes in a CD jewel case without the packaging and materials that typically accompany a legitimate product.
- The software lacks the manufacturer's standard security features.
- The software lacks an original license or other materials that typically accompany legitimate products (original registration card, manual, etc.).
- The packaging or materials that accompany the software have been copied or are of inferior print quality.
- The software is offered on an auction site.

- The CD has a gold, blue or blue-green appearance, as opposed to the silver appearance that characterizes legitimate product.
- The CD contains software from more than one manufacturer or programs that are not typically sold as a "suite."
- The software is distributed via mail order or online by sellers who fail to provide appropriate guarantees of legitimate product.

The guiding principle: Respect intellectual and creative property rights—they could be yours. Designers know from their own experience the importance of respecting intellectual and creative property rights. Designers also know the difference between ownership and use rights. The design profession should respect the rights of other professionals because it is right, because it is the law and because any failure to do so undermines the moral standing of the profession in arguing for its own rights.

## ABOUT AIGA

AIGA, the professional association for design, is the oldest and largest membership association for design professionals engaged in the discipline, practice and culture of designing. AIGA's mission is to advance designing as a professional craft, strategic tool and vital cultural force.

Founded in 1914, AIGA is the preeminent professional association for communication designers, broadly defined. In the past decade, designers have increasingly been involved in creating value for clients (whether public or business) through applying design thinking to complex problems, even when the outcomes may be more strategic, multidimensional and conceptual than what most would consider traditional communication design. AIGA now represents more than 22,000 designers of all disciplines through national activities and local programs developed by 64 chapters and more than 240 student groups.

AIGA supports the interests of professionals, educators and students who are engaged in the process of designing. The association is committed to stimulating thinking about design, demonstrating the value of design, and empowering success for designers throughout the arc of their careers.

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