

Software/Internet Copyright Law

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*University of Florida
Software Copyright Information*

About Software and Copyrights

The following is reprinted with permission from EDUCOM's brochure, "Using Software: A guide to the Ethical and Legal Use of Software for Members of the Academic Community," July 7, 1994.

Software enables us to accomplish many different tasks with computers. Unfortunately, in order to get their work done quickly and conveniently, some people justify making and using unauthorized copies of the software. They may not understand the implications of their actions or the restrictions of the U.S. copyright law.

Respect for the intellectual work and property of others is essential to the mission of colleges and universities. As members of the academic community, we value the free exchange of ideas. Just as we do not tolerate plagiarism, we do not condone the unauthorized copying of software, including programs, applications, databases, and code.

Therefore, we offer the following statement of principle about intellectual property and the legal and ethical use of software. This "code," intended for adaption and use by individual colleges and universities, was developed by the EDUCOM Software Initiative.

Software and Intellectual Rights

Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgement, right to privacy, and right to determine the form, manner, and terms of publication and distribution.

Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community.

Questions You May Have About Using Software

a. What do I need to know about software and the U.S. Copyright Act?

Unless it has been placed in the public domain, copyright law protects software. The owner of a copyright holds exclusive right to the reproduction and distribution of his or her work. Therefore, it is illegal to duplicate or distribute software or its documentation without the permission of the copyright owner. If you have purchased your copy, however, you may make a back up for your own use in case the original is destroyed or fails to work.

b. Can I loan software I have purchased myself?

If your software came with a clearly visible license agreement, or if you signed a registration card, **READ THE LICENSE CAREFULLY** before you use the software. Some licenses may restrict use to a specific computer. Copyright law does not permit you to run your software on two or more computers simultaneously unless the license agreement specifically allows it. It may, however, be legal to loan your software to a friend temporarily as long as you do not keep a copy.

c. If software is not copy-protected, do I have the right to copy it?

Lack of copy protection does NOT constitute permission to copy software in order to share or sell it. "Non-copy-protected" software enables you to protect your investment by making a back-up copy. In offering non-copy-protected software to you, the developer has demonstrated significant trust in your integrity.

d. May I copy software that is available through facilities on my campus so that I can use it more conveniently in my own room?

Software acquired by colleges and universities is usually licensed. The licenses restrict how and where the software may be legally used by members of the community. This applies to software installed on hard disks in microcomputer cluster, software distributed on disks by a campus lending library, and software available on a campus mainframe or network. Some institutional licenses permit copying for certain purposes. Consult your campus authorities if you are unsure about the use of a particular software product.

e. Isn't it legally "fair use" to copy software if the purpose in sharing it is purely educational?

No. It is illegal for a faculty member or student to copy software for distribution among the members of a class, without permission of the author or publisher.

Alternatives to Explore

Software can be expensive. You may think that you cannot afford to purchase certain programs that you need. But there are legal alternatives to unauthorized copying.

Site-licensed and bulk-purchased software: Your institution may have negotiated agreements that make software available either to use or to purchase at special prices. Consult your campus computing office for information. Software available through institutional site licenses or bulk purchases is subject to copyright and license restrictions, and you may not make or distribute copied without authorization.

Shareware: Shareware, or "user-supported" software, is copyrighted software that the developer encourages you to copy and distribute to others. This permission is explicitly stated in the documentation or displayed on the computer screen. The developer of shareware generally asks for a small donation or registration fee if you like the software and plan to use it. By registering, you may receive further documentation, updates, and enhancements. You are also supporting future software development. Note: By giving you permission to copy and distribute shareware, the developer is not giving you permission to distribute it for profit.

Public-domain software: Sometimes authors dedicate their software to the public domain, which means that the software is not subject to any copyright restrictions. It can be copied and shared freely.

Software without copyright notice is often, but not necessarily, in the public domain. Before you copy or distribute software that is not explicitly in the public domain, check with your campus computing office.

A Final Note

You should check carefully each piece of software and the accompanying documentation yourself. In general, you do not have the right to do these things:

1. receive and use unauthorized copies of software, or
2. make unauthorized copies of software for others.

Thou Shalt Not Dupe

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Either Way It's Wrong

People who would never walk into a store and shoplift a software product think nothing of making several copies of the same software. The results are the same. The act is just as wrong.

When it comes to unauthorized duplication of software, many people do not realize the costly impact on the software developer and the customer community. The relationship between customer and developer in a software transaction is one of mutual trust. The customer trusts that the developer has produced a product that will deliver the desired result, performs according to specifications, and is properly documented and supported. The developer trusts that the customer will make use of only those copies for which he has purchased a license, even though making additional unauthorized copies is relatively easy. Unauthorized duplication and use of software violates the U.S. Copyright Law, and unfairly deprives software developers of revenue they are entitled to receive for their work.

Software developers find that thousands of illegal copies have been made by customers who either innocently believe they are doing nothing wrong, or simply choose to ignore the law. This cannot continue if the customer is to expect better documentation, customer support, upgraded software and new products.

The Problem Is Growing

America is increasingly dependent on software. Major organizations are discovering that the right software can mean increased productivity and higher profits. Many dollars are invested annually in software produced by independent companies, and these software developers, in turn, re-invest in new product development and user support. Unauthorized users place a substantial burden on the customer support system to the detriment of legitimate users.

As more software is reproduced unlawfully, software developers are compelled to sue to protect their rights. Most of those who have been caught have settled out of court to avoid embarrassment and unfavorable publicity.

Unfortunately, the developer cannot hope to recapture lost revenues.

A Forgivable or Justifiable Crime? Ask Yourself.

In a sense, there are two types of crimes involved.

SOFTLIFTING is performed by individuals illegally making copies for their own use, or use by a friend. Most softlifters see themselves helping a friend, and don't realize a crime is being committed that hurts not only the software developer, but the customer community as well.

SOFTWARE PIRACY occurs when organizations choose consciously to encourage, or unconsciously to allow employees to make and use illegal software copies. Both practices violate the U.S. Copyright Law and expose the individuals and companies involved to significant fines, and even jail terms.

No one wants to sue a customer. It would be far better for all if the need for legal action could be eliminated entirely.

Where is It Happening?

Software piracy and softlifting are happening in our homes, schools and offices. Examples include employees copying software because they want a copy for personal use at home. Softlifting has invaded the classroom where students, and even teachers, copy software for school use, or to give to friends. Often it happens when organizations expand computer capabilities and new users are given unauthorized copies, rather than going through the purchasing procedure.

In order to serve the user community effectively, the software industry is working with customers to put an end to softlifting and software piracy. People have to understand the law, and their responsibility to keep the social contract with software producers.

The Law is Clear

Reproducing computer software without authorization violates the U.S. Copyright Law. It is a Federal offense. The money paid for a software product represents a license fee for the use of one copy. It does not represent an authorization to copy. Civil damages for unauthorized software copying can be as much as \$50,000 or more, and criminal penalties include fines and imprisonment. Bills have been introduced in Congress to strengthen the law and increase penalties.

Myths and Facts of Software

Let's start by dispelling some myths with a few facts.

First, software developers do not condone unauthorized copying in order to gain market penetration.

Second, the price of software does not make unauthorized copying justifiable. The cost of a software product to a consumer represents only a small fraction of the publisher's development and marketing costs.

Third, although the cost of softlifting is borne initially by the software developer, it is paid for ultimately by legitimate users.

Fourth, rationalization for software piracy does not make it right or legal. Some people say, "the product is too expensive." The price set by the developer and retailer does not give someone a license for theft. Also, software pricing is value based. Most software customers find that they pay only pennies per hour for the use of a valuable information processing tool.

A final myth is that the developer expects people to copy it. If you believe this, call and ask the publisher.

Research and development for a single software product costs thousands of man hours and millions of dollars. The price you pay for software includes only a fraction of the development, marketing and support costs, plus a reasonable return on the investment.

When illegal copies are produced, cheating the developer of revenues, the software company is faced with having to charge legitimate users higher prices. This is simply not acceptable - to honest customers or the industry.

What It Means to You

It's obvious that legitimate software users are paying for theft along with software developers.

It's obvious, too, that no one is going to put up with it for long.

New and better software is important to the growth, productivity and profitability of your organization. The wide variety of software applications available allows you to explore more options, have more complete and timely information for decision-making, and help to ensure an improvement in the quality of the industry's products and services. New software won't be financed unless its investors feel secure in receiving a reasonable return on investment. As a software user, you have the responsibility to live up to your agreement with the developer.

Is Someone Exposing Your Organization?

We are aware that most people do not encourage software piracy or softlifting. We also believe that most people confronted with the consequences of this crime would stop. ADAPSO is encouraging all organizations that have an investment in software to conduct an internal organization audit to ensure that softlifting and piracy are not occurring. No one wants costly or embarrassing legal action.

We recommend and ask for your support in informing people in your organization that receiving or being a party in duping or copying software, in violation of the license agreement, is a crime.

Is It Okay to Copy My Colleague's Software?

NO, IT'S NOT OKAY TO COPY YOUR COLLEAGUE'S SOFTWARE. Software is protected by federal copyright law, which says that you can't make such additional copies without the permission of the copyright holder. By protecting the investment of computer software companies in software development, the copyright law serves the cause of promoting broad public availability of new, creative, and innovative products. These companies devote large portions of their earnings to the creation of new software products and they deserve a fair return on their investment. The creative teams who develop the software, programmers, writers, graphic artists and others, also deserve fair compensation for their efforts. Without the protection given by our copyright laws, they would be unable to produce the valuable programs that have become so important in our daily lives: educational software that teaches us much needed skills; business software that allows us to save time, effort and money; and entertainment and personal productivity software that enhances leisure time.

That makes sense, but what do I get out of purchasing my own software?

When you purchase authorized copies of software programs, you receive user guides and tutorials, quick reference cards, the opportunity to purchase upgrades, and technical support from the software publishers. For most software programs, you can read about user benefits in the registration brochure or upgrade flyer in the product box.

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 or to make or distribute copies of that software for any other purpose unless specific permission has been obtained from the copyright owner. If you pirate software, you may face not only a civil suit for damages and other relief, but criminal liability as well, including fines and jail terms of up to one year.

So I'm never allowed to copy software for any other reason?

That's correct. Other than copying the software you purchase onto a single computer and making another copy "for archival purposes only," the copyright law prohibits you from making additional copies of the software for any other reason unless you obtain the permission of the software company.

At my company, we pass disks around all the time. We all assume that this must be okay since it was the company that purchased the software in the first place.

Many employees don't realize that corporations are bound by the copyright laws, just like everyone else. Such conduct exposes the company (and possibly the persons involved) to liability for copyright infringement.

Consequently, more and more corporations concerned about their liability have written policies against such "softlifting". Employees may face disciplinary action if they make extra copies of the company's software for use at home or on additional computers within the office. A good rule to remember is that there must be one authorized copy of a software product for every computer upon which it is run.

Do the same rules apply to bulletin boards and user groups? I always thought that the reason they got together was to share software.

Yes. Bulletin boards and user groups are bound by the copyright law just as individuals and corporations. However, to the extent they offer shareware or public domain software, this is a perfectly acceptable practice. Similarly, some software companies offer bulletin boards and user groups special demonstration versions of their products, which in some instances may be copied. In any event it is the responsibility of the bulletin board operator or user group to respect copyright law and to ensure that it is not used as a vehicle for unauthorized copying or distribution.

What about schools and professional training organizations?

The same copyright responsibilities that apply to individuals and corporations apply to schools and professional training organizations. No one is exempt from the copyright law.

I'd bet most of the people who copy software don't even know that they're 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 understand and adhere to copyright law. Ignorance of the law is no excuse. If you are part of an organization, see what you can do to initiate a policy statement that everyone respects. Also, suggest that your management consider conducting a software audit. Finally, as an individual, help spread the word that the users should be "software legal."

Software Use and the Law

THE LAW

Software is automatically protected by federal copyright law from the moment of its creation. The rights granted to the owner of a copyright are clearly stated in the Copyright Act, which is found at Title 17 of the US Code. The Act gives the owner of the copyright "the exclusive rights" to "reproduce the copy righted work" and "to distribute copies ... of the copyrighted work" (Section 106). It also states that "anyone who violates any of the exclusive rights of the copyright owner ... is an infringer of the copyright" (Section 501), and sets forth several penalties for such conduct. Persons who purchase a copy of software have no right to make additional copies without the permission of the copyright owner, except for the rights to (i) copy the software onto a single computer and to (ii) make "another copy for archival purposes only," which are specifically provided in the Copyright Act (Section 117).

Software creates unique problems for copyright owners because it is so easy to duplicate, and the copy is usually as good as the original. This fact, however, does not make it legal to violate the rights of the copyright owner. Although software is a new medium of intellectual property, its protection is grounded in the long-established copyright rules that govern other more familiar media, such as records, books, and films. The unauthorized duplication of software constitutes copyright infringement regardless of whether it is done for sale, for free distribution, or for the copier's own use. Moreover, copiers are liable for the resulting copyright infringement whether or not they knew their conduct violated federal law. Penalties include liability 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 \$100,000 for each work infringed. The unauthorized duplication of software is also a Federal crime if done "willfully and for purposes of commercial advantage or private financial gain." Criminal penalties include fines of as much as \$250,000 and jail terms of up to 5 years.

USE OF SOFTWARE

Anyone who purchases a copy of software has the right to load it onto a single computer and to make another copy "for archival purposes only." It is illegal to load that software onto more than one computer or to make copies of that software for any other purpose unless specific permission has been obtained from the copyright owner. The law applies equally, for example, to a \$25 game and a \$750 project management program. Each product reflects a substantial investment of time and money by many individuals. Software development involves a team effort that blends the creative talents of writers, programmers and graphic artists. Piracy diminishes the value of a program and further, deprives the developers of fair compensation.

Software piracy inhibits innovation. The software industry is filled with new developers trying to break into a crowded market. They can survive only if their products are purchased. Each theft makes staying in business more difficult.

RENTAL OF SOFTWARE

It has always been illegal to rent unauthorized copies of software. However, concern over the fact that the rental of authorized or "original" software frequently resulted in the creation of pirated software led Congress to enact the Software Rental Amendments Act of 1990 (Public Law 101650), which now prohibits the rental, leasing, or lending of original copies of any software without the express permission of the copyright owner. Consequently, it is important to recognize and comply with this clarification of the copyright law.

USE OF SOFTWARE BY SCHOOLS

Public or private educational institutions are not exempt from the copyright laws. To the contrary, because of their unique position of influence, schools must remain committed to upholding the copyright laws. Just as it would be

wrong to buy one textbook and photocopy it for use by other students, it is wrong for a school to duplicate software (or to allow its faculty or students to do so) without authority from the publisher.

Some people claim that software publishers should allow schools to copy programs because it is the only way some school systems can afford to provide enough software for their students. However, the acquisition of software is no different than any other product or service required by a school. Schools purchase books, audio-visual equipment and classroom furniture, and they pay a fair price for them. Newer and better software can be developed only if the software development team receives a fair price for its efforts.

Many software firms offer special sales arrangements to schools. These include discounts for additional copies of programs, reduced-priced lab packs (a quantity of programs sold together) and site license agreements (an arrangement that allows a school to make a specified number of copies for one location at a fixed price). Schools should make every effort to uphold the law, because it is by their example that students will learn to have respect for intellectual property.

USER GROUPS

The personal computer industry owes much of its success to the proliferation of user groups. These groups provide a valuable service as forums for sharing computing experience and expertise. User groups should, however, ensure that their meetings are not used to promote illegal duplication or distribution of software.

The unauthorized duplication or distribution of software by user groups or at user group meetings places many people in a vulnerable position. The individuals who duplicate or distribute software, as well as the user group itself and the owner of the meeting place, may be held responsible as copyright violators.

A close relationship between user groups and the software publishing community is mutually beneficial. User groups should encourage ethical software use among their members. Likewise, software publishers should respond to users' needs for proper support and updates.

BUSINESS USERS

In the workplace, "softlifting" is characterized by two common incidents: extra copies of software are made for employees to take home, and extra copies are made for the office. Both situations mean a greater number of computers can run more copies of the software than were originally purchased.

Unless a special arrangement has been made between the business user and the publisher, the user must follow a simple rule: one software package per computer. This means that a copy of software should be purchased for every computer on which it will be used. For example, if the business has 10 computers on which employees use spreadsheet software, it must purchase 10 copies of such software. If there are 25 secretaries using word processing software on their computers, each secretary must have a purchased copy, etc.

Another option that has proven successful is for firms to enter into special site licensing purchase agreements with publishers. These agreements compensate the publishers for the "lost sales" they might have made on a package-by-package basis because the company agrees to pay a certain amount for a specific number of copies they will make and not exceed on site. At the same time, they eliminate the possibility that copyright violations will occur. By buying as many programs as it will need, a company removes the incentive for employees to make unauthorized copies. Adhering to these rules will pay off in the long run, because a firm that illegally duplicates software exposes itself to tremendous liability.

Many software applications are sold in "Local Area Network" (LAN) versions. If your company has a LAN, be sure to follow the publisher's guidelines for the use of software the LAN. It is a violation of the copyright laws and most license agreements to allow a single-copy version of software on a LAN to be simultaneously accessed by more than one user.

CONCLUSION

Most people do not purposely break the law. They would never consider stealing money from someone's pocket. But those who copy software without authorization are stealing intellectual property and they should understand the consequences of their actions.

If you are an individual user, don't break the law. Everyone pays for your crime. If you are part of an organization, see to it that your organization complies with the law, and that it issues an appropriate policy statement that is signed and respected by all involved.

EVERYONE BENEFITS FROM A HEALTHY COMPUTER SOFTWARE INDUSTRY

With each passing year, evolving software technology brings us faster, more sophisticated, versatile and easy-to use products. Business software allows companies to save time, effort and money. Educational computer programs teach basic skills and sophisticated subjects. Home software now includes a wide array of programs that enhance the user's productivity and creativity. Computer graphics have turned PCs into a veritable artist's palette, and new games are increasingly inventive. The industry is thriving and users stand to benefit along with the publishers.

Along the way, however, the problem of software theft has developed, and threatens to impede the development of new software products. Romantically called "piracy," the unauthorized duplication of software is a Federal offense that affects everyone: large and small software publishers and legitimate users. Even the users of unlawful copies suffer from their own illegal actions. They receive no documentation, no customer support and no information about product updates.

Software Piracy -- It's Not Worth the Risk

By Jeri Hale, CISA. University of Colorado Internal Audit Department. Reprinted with permission.

Until now, many of us have not considered software piracy to be a serious problem, however, recent changes in the copyright laws have significantly stiffened the financial penalties for use of illegal software. Because these new penalties encourage software vendors to seek out the offenders more diligently than before, those who violate software license agreements have a greater chance of being discovered.

Recently, a small department at one of the University of Colorado campuses was notified of an allegation that the department was using five different single-use products on at least thirty personal computers. Fortunately, an investigation proved the allegation to be more serious than the actual violation. However, these allegations have increased the University's attention to the issue of ethical software use. This article provides basic information about the issues, laws, and practical steps that can be taken to prevent a similar allegation against your department.

The Law

Software is automatically protected by federal copyright law from the moment of its creation. The rights granted to the owner of a copyright are clearly stated in the Copyright Act, which is found at Title 17 of the US Code. The owner of the copyright is given "the exclusive rights" to "reproduce the copyrighted work" and "to distribute copies ... of the copyrighted work" (Section 106).

Software creates unique problems for its copyright owners because it is so easy to duplicate, and the copy is usually as good as the original. Duplication of software is considered a copyright infringement regardless of whether the copies are for sale, for free distribution, or for personal use.

A close look at software license agreements shows that copyright owners do NOT grant ownership, only the "right to use" the software. Therefore, individuals who purchase software have no legal right to make additional copies without the permission of the owner, except for the right to copy the software onto a single computer and to "make another copy for archival purposes only." Software copiers are liable for copyright infringements regardless of whether or not they knew their conduct violated federal law. Penalties for copying software cover damages suffered by the copyright owner plus any profits that the infringer received as a result of copying the software OR statutory damages of up to \$100,000 for each software package reproduced. If the owner can prove that the software was copied "willfully and for purposes of commercial advantage or private financial gain," criminal penalties include fines of as much as \$250,000 and jail terms of up to 5 years.

Owner Organizations

The Personal Computer software industry has at least two trade groups to help strengthen their battle against software piracy. These organizations, the Software Publishers Association (SPA) and the Business Software Alliance (BSA), consist of vendors such as Aldus, Apple, Autodesk, Lotus, Microsoft, Novell and others. Housed in Washington, DC and Paris, the SPA has over 1,000 members, representing virtually all of the leading software publishers in the business, consumer, and education software markets. The SPA and the BSA use federal marshals to investigate allegations of software piracy and powerful law firms to prosecute offenders. They also coordinate anti-piracy legislation and education.

The SPA and the BSA do not exempt public and private educational institutions from software copyright laws. Their position is based upon two principles: (1) newer and better software can be developed only if the software development team receives a fair price for its efforts; and (2) schools should make every effort to uphold the law, because it is by their example that students will learn to have respect for intellectual property.

Types of Software Piracy

Software piracy is defined as any violation of software license agreements. This section discusses some of the more common ways that piracy can occur:

- * Copying University-owned software for use on privately-owned computers. In some instances, faculty or staff may use their own computers at a University facility. Unless the department purchases software for use on the privately-owned computer, copying University software for privately-owned computers is a copyright infringement.
- * Copying privately-owned software for University or privately-owned computers. Computers owned by faculty and staff may contain software that other faculty and staff would like to use. However, copying the privately-owned software to University computers is a copyright violation, unless the staff member has multiple licenses for their software.
- * Distributing copies of single-licensed software for educational or research purposes. Copies of software cannot be legally copied to computers in student laboratories without the appropriate number of licenses. In addition, copies of the software on diskette cannot be legally distributed for academic purposes unless licenses exist for each copy. Even then, those receiving the software on diskette must not copy the diskettes and must return them after they have completed the class or project.
- * Copying old versions of software to other computers. Many software licenses allow users to retain old versions of software on their computers when an upgrade is purchased. The only condition is that the old and new versions cannot be used at the same time. Therefore, old versions of the upgraded software cannot be legally copied to another computer.
- * Retaining software on computers that are moved to other locations. Departments often install software that they already own on newly-acquired computers. If the software is not removed from the old computers before they are sold or moved to other locations, a copyright infringement occurs.
- * Keeping demonstration copies of software that are not purchased. Some software vendors provide working versions of software for demonstration purposes. If this software is not purchased, but is kept on the computer on which it was installed, a copyright infringement has occurred.
- * Renting software to faculty and student for the purpose of instruction or research. The "Software Rental Amendments Act" was passed in 1990 to prohibit the rental, leasing, or lending of commercial software without the express permission of the copyright holder. The SPA considers the "storefront software rental operations" to be the biggest threat to publishers' copyrights.
- * Renting software purchased at the University's discount rate to outside corporations. Some highly specialized software costs the University a small fraction of what it would cost a business. When the University rents the use of this software to outside businesses without express, written consent of the copyright owner, they have violated the Software Rental Amendments Act.
- * Installation of single-use software on local area networks. Without intentional restrictions on the number of simultaneous users of software installed on a local area network, all persons connected to the network can simultaneously use the software.

What Can We Do?

In the rapidly-changing University environment, it is difficult to make sure that all of the software on various personal computers is legal. However, the following steps can help keep the risk of litigation at a reasonable level:

1. Educate faculty and staff about software piracy laws and the risks of not following them. A formal program within the department is probably the most effective way to help people understand what practices are considered to be software piracy and that these practices are unacceptable.
2. Purchase a license for each computer on which the software will be used. Many software vendors offer special sales arrangements to schools. These include discounts for additional copies of programs, reduced-priced lab packs (a quantity of programs sold together), and site license agreements (an arrangement that allows a school to make a specified number of copies for one location at a fixed price). Contact Computing and Network Services for information about software licenses on the Boulder Campus.
3. For software being installed on local area networks, ensure that the appropriate number of licenses are purchased. A license is necessary for every possible simultaneous user. This could be a single-use license, if the department expects only one person to use the software at any given time or a multiple-use license, if multiple users are expected.
4. Install software that "locks out" unlicensed use on local area networks. This software limits the number of simultaneous users which assists the department in preventing illegal software use on their local area network.
5. Establish formal agreements about software that will be retained on privately-owned computers brought into the department. Either purchase the software for the computer or ask the faculty or staff member to confirm, in writing, that they have purchased the software.
6. Ensure that registration cards are returned to the vendor and that license numbers are entered into the installed software.
7. Maintain files for software purchased by the department. Include the purchase date, seller, the license agreement, serial number, and the computer on which the software was installed. A spreadsheet or database may also be useful for maintaining this information.
8. Remove all software from old computers that are being moved to other locations. This is especially important if any of the software was installed on newly-acquired computers.
9. Periodically review existing software on personal computers in the department to resolve discrepancies, update the department's software records, and purchase software, if necessary. It is very important to remove illegal copies from the computers immediately to prevent the assessment of stiff punitive damages for intentional use of illegal software.
10. Obtain the express, written consent of software vendors before renting software. If permission is granted, develop software rental agreements whereby the user agrees, in writing, not to copy the software.
11. Require students or faculty who receive legal, loan copies of software for academic and research projects to sign agreements not to make copies and to return the diskettes after they have completed the class or project.

Software Copyright

Discussion Items

DISCUSSION 1:

Professor Careless has a 20-page article from a research journal. He wants you to include it as part of a handout he is creating to give each student in his class. You scan the article, then include the text file in the handout you are typing on a word processor. You include the original copyright notice.

DISCUSSION 2:

You have an original copy of a word processing program on cds and you have made your archival copy on cds. However, your department has just purchased a new workstation for you that only has dvd capability. Can you convert your cd copies to dvd copies so you can use them on your new machine (assuming you no longer use it on the machine with the cd drive)?

DISCUSSION 3:

On your microcomputer you use a program that has an equivalent mainframe version (such as SAS). You create some data files using SAS on your PC, then upload the SAS-format data files to the mainframe to use SAS on the mainframe. Is this legal?

DISCUSSION 4:

You're the editor of a short newsletter for your department that is circulated free to department staff. You include some electronic clip art to make your publication nicer-looking. Have you violated copyright by using the clip art?

DISCUSSION 5:

You download a nifty shareware program from a bulletin board service to which you subscribe. You think your co-workers would enjoy this program. Is it OK to give it to your colleagues, since it came from a bulletin board?

DISCUSSION 6:

You have access to the Internet at work and you found a useful utility that labels itself as "freeware." Can you download it and make copies to distribute to friends and colleagues who do not have access to the Internet?

DISCUSSION 7:

You buy your own personal copy of a word processing program to use on your home computer. You decide to bring it in to use on your office computer because your department doesn't have this particular program and this is the one you are most comfortable using. Can you use it on your office workstation so long as no one else in your office uses it?