

Software Piracy: What You Should Know

Whether you call it borrowing, copying, sharing or "fair use," software piracy is illegal and puts Montana Tech's students, faculty and staff, as well as the college itself, at risk for legal action.

1. What is software piracy, exactly?

It is the unauthorized duplication, distribution or use of computer software -- for example, making more copies of software than the license allows, or installing software licensed for one computer onto multiple computers or a server.

Copying software is an act of copyright infringement, and is subject to civil and criminal penalties. It's illegal whether you use pirated software yourself, give it away, or sell it. And aiding piracy by providing unauthorized access to software or to serial numbers used to register software can also be illegal.

2. What's the harm in making a few extra copies?

If those extra copies are used on college-owned computers, the harm could be great. Software publishers take piracy very seriously, and so does Montana Tech. The college and the individuals involved could be held liable for large monetary damages. Montana Tech could also lose its eligibility for discount pricing on software.

In the larger picture, copying cheats the publisher and everyone who uses the software. It makes software more costly and denies the publisher the sales it needs (and earned) to improve software and finance new projects.

3. How will Montana Tech ever find out that I have illegal software?

It happens more often than you might think, through honest employees and students, routine software audits, technology support professionals, network administrators, software publishers and piracy watchdog groups.

Your work computer is college property. So is your connection to the Internet via the campus network. Montana Tech is committed to making sure that its computers run legally licensed software, and that its network is not supporting software piracy in any form.

4. What happens when illegal software is found?

If Montana Tech finds out about it from an employee or student, the matter is usually handled within the college. Software piracy violates numerous Montana Tech policies including:

[Campus Code of Conduct](#)

[Code of Academic Integrity](#) [Standards of Ethical Conduct](#)

Discipline ranges from a reprimand to dismissal from the college, depending on the severity of the violation.

If illegal software is reported to a software publisher or piracy watchdog group legal action could be brought against Montana Tech and the individuals involved. At minimum, the college would have to prove that it had resolved the problem, which typically requires an intensive software audit within a very short timeframe. Other sanctions could include huge monetary damages, or exclusion from discount pricing and volume-licensing programs.

5. My co-workers are copying software, but I don't want to be a tattletale and I'm worried about losing my job. What should I do?

Report their actions. By staying silent, you'd violate Montana Tech's [Standards of Ethical Conduct](#) (Policy 4.6) and could face disciplinary action yourself.

That policy will protect you from your co-workers and anyone else who might be upset by your honesty: "The college will not tolerate retaliation toward or harassment of employees who report actual or possible violations. The identity of individuals providing information concerning possible violations, including fraud, will be protected within legal limits."

So tell your Montana Tech technology support professional or administrative managers what is happening, in as much detail as you can.

6. Our software budget wasn't big enough this year. Can we make copies for now and buy enough for everyone next year?

No. Unless otherwise stated in the software license, the only copy you can legally make is one archival backup of the original installation disks or CD, to be used only if the original ones fail.

Ease the pressure on your budget by using Montana Tech's software license agreements and volume-discount programs (see the [Software Information Directory](#) web site) to acquire Microsoft, Adobe, FileMaker, SPSS, SAS and other products. Also check the [Campus Store](#)'s educational pricing. When shopping outside Montana Tech, ask for educational and volume-discount pricing.

7. I just started this job, and I'm using the former employee's computer. How do I know if my software is legal?

Ask the technology support professional in your office or department. This person will know what software is site-licensed and what software has been purchased, and can remove anything else.

8. I'm the new technology support provider for 50 people, and the record-keeping here has been pretty bad. How should I go about verifying all this software?

Compile as many purchase orders, receipts, vendor reports and license agreements as possible. (Original disks and manuals are usually not adequate proof.) Match these against the number of computers using the software, and purchase new licenses and/or software to cover the difference.

Then follow College self audit suggestions for better record-keeping. Institute a departmental strategy for acquiring software and designate a person to oversee purchasing and installation. Keep all proofs of purchase (e.g., purchase orders, receipts, license agreements) and maintain an inventory of the equipment the software is installed on. Remove all software from equipment that is being discarded, sold or donated.

9. When my computer was delivered, it had software installed on it. Is this software already legally licensed?

Yes, if it was obtained through the [Technology Connection](#) or [Purchasing Department](#).

If your computer came from another source, review the licenses and documentation to verify the software's legitimacy. If you're buying a used computer, all installed software should come with license agreements, registration and original installation disks and manuals. Remove any software that you can't verify.

10. I require my students to use certain software for assignments. Since I'm using it for educational purposes, I can give them copies, right?

No. And there's little chance that the "fair use" argument could be applied to software the way it can to printed materials -- it's generally impossible to install and use only a small piece of a software product. Better ways to keep costs down for your students: Look into getting a volume discount or site license from the software publisher. Find out whether the software is or could be installed in a college computer lab. However, check with your technology support person. Some of the software allows distribution to students for educational purposes. It really is specific to the software in question.

11. I'm trying to decide which software package to buy. Can I install my co-workers' software just to try it, if I remove it right after I'm done?

No. There's a widespread myth that you can use software for 24 hours without penalty. The truth is the software would be illegal the moment you installed it. Arrange to use your co-workers' computers instead. Or ask the software publisher for a trial version.

12. If Montana Tech has a site license for something, does that mean we can copy it to as many computers as we want?

Not necessarily. Each site license states who may use the software, where and for what purpose. Within those restrictions, a site license allows unlimited use. Most of Montana Tech's site licenses permit Montana Tech faculty and staff to install the software on their college computers; a few include home computers and student-owned computers as well. To check the terms of a site license.

13. Can I put Montana Tech site-licensed software on a computer Montana Tech doesn't own -- for example, my home computer?

Usually not. Most of Montana Tech's site licenses are restricted to college- or student-owned computers. Again the site license is the final word on this. Some agreements may allow faculty/staff to put software on their home computer, not students. It is license specific, so check to make sure. Assuming incorrectly is no excuse.

14. I work at home sometimes. Can I copy software from my work computer to my laptop or home computer, since I won't be using both at the same time?

Some software publishers allow this use; others don't. Read the license agreement. Some examples: If you purchased Microsoft Office, Publisher, Project or FrontPage through the [Microsoft Select](#) program, the license permits you to install a second copy on one laptop or home computer to use for work-related purposes. If you have an Adobe product at work, you can install a second copy on one laptop or home computer, but the product cannot be used on both computers at the same time.

15. A friend recommended some great software, but the publisher is out of business. Would it be OK to get a copy from my friend?

No. All software is copyright-protected, and the copyright is enforceable for 95 years, no matter what. Your best bet is to ask the copyright holder for written permission to copy the software. The [U.S.](#)

[Copyright Office](#) can be helpful in locating the current copyright holder. Search the records yourself, or pay a small fee to have it done.

16. We have lots of old software sitting around. Can we give it away to schools or charities? Or sell it?

Probably, if it's not software you later upgraded. For instance, when you buy a Windows 98 upgrade, the license to the older version is voided, meaning no one else can use it. If you buy the full Windows 98 package instead, you could give away or sell your older version.

In short, you can give away or sell software you are no longer using in any form. If the software is college-owned, review State and College protocols first. To legally transfer the software, provide the license agreement, registration, original installation disks (or CD) and manuals, and remove all copies of the software from your computers.

17. I'm leaving Montana Tech. Do I have to get rid of any software on my home computer?

You must remove college-owned software, including all Montana Tech site-licensed software. Also, if you had software at work that allowed you to install a second copy at home, you must remove that second copy.

You do not have to remove software that you bought, with your own funds, at an educational discount. If you upgrade that software, however, you will have to pay the full price for the upgrade (rather than the educational price).