

# Copyright Law & Related Issues

## Why Risk Exists

### Theories of Liabilities for Copyright Infringement

As part of its educational efforts, SPA Anti-Piracy is providing the following information to educate Internet users and server operators on how their actions may be in violation of federal copyright law. These definitions explain some of the different elements of copyright law and may be easily applied to situations on the Internet. Following each legal definition is a practical application in reference to Internet use.

For additional information, please visit the relevant sections of the [United States Code](#).

---

### Direct Infringement

"Anyone who violates any of the exclusive rights of the copyright owner [reproduction, adaptation, distribution to the public, public performance, public display, rental for commercial advantage or importation] is an infringer of the copyright or the right of the author..." Section 501(a) of the Copyright Act.

- downloading software
- uploading software
- making software available for download
- transmitting software files

### Indirect Infringement

*Contributory Infringement.* Anyone who knows or should have known that he or she is assisting, inducing or materially contributing to infringement of any of the exclusive rights by another person is liable for contributor infringement.

- posting of serial numbers
- posting of cracker utilities
- linking to FTP sites where software may be unlawfully obtained
- informing others of FTP sites where software may be unlawfully obtained
- aiding others in locating or using unauthorized software
- supporting sites upon which the above information may be obtained
- allowing sites where the above information may be obtained to exist on a server

*Vicarious Liability for Infringement by Another Person.* Anyone who has the authority and ability to control another person who infringes any of the exclusive rights and who derives a financial benefit therefrom, is vicariously liable for the infringement of another person.

- ISPs who have warez or pirate sites on their system
- ISPs who have pirates for customers
- sys admins for newsgroups or IRC where pirate activity takes place