

How Schools Can Spot, and Stop, Infringing Activity

SPA is working to help schools reduce software piracy and to "get and stay" legal under the federal copyright law. To do this, we need your help. Worldwide, piracy estimates total nearly \$11 billion dollars, and in the United States, piracy estimates were almost \$3 billion. These software piracy numbers do not include illegal copying of education, entertainment, personal productivity, operating system software, and do not include losses from the Internet, so the actual level of piracy is even higher than these numbers indicate.

SPA has spent the last several years crisscrossing the country evangelizing about the importance of software compliance. The response SPA has received is that software professionals want to learn the rules about copyrighted software but need the tools and guidance to help them "*get and stay legal.*"

It is SPA's goal to educate software users about how to ensure compliance with license agreements and to assist districts in receiving the optimum use from the software they purchase.

A school or district invests in administrative and instructional software for four reasons:

1. to increase productivity of employees and students
2. to educate employees and students
3. to gain a competitive edge in the workplace
4. to lower costs

These benefits make information technology an indispensable asset -- an asset that carries risks *and* responsibilities.

Piracy causes problems for schools. Besides the possibility of a lawsuit and with it poor public relations, software piracy also increases the cost of software, provides no technical support or documentation and sends a message to students that they don't have to be honest or ethical in their behavior.

The Copyright Act, which is found in Title 17 of the U.S. Code, says it is against federal law to make a copy of software for any reason other than as a backup without the express permission of the copyright holder. Remember, under most circumstances you **do not own** the software but use it under the provisions of a license agreement between the software publisher and your school or school district that explains how the software can be used.

Districts, schools and individuals who violate this law can be held liable for as much as **\$100,000 in statutory damages per copyright violation**. Violators can also face criminal penalties of as much as **\$250,000 and jail terms of up to five years**, in addition to a civil lawsuit.

Nine Steps to Getting and Staying Legal

1. Appoint a software manager.
2. Create and implement a software policy and code of ethics.
3. Establish software policies and procedures.
4. Conduct internal controls analysis.
5. Conduct periodic software audits.
6. Establish and maintain a software log of licenses and registration materials.
7. Teach software compliance.
8. Enjoy the benefits of software license compliance.
9. Thank employees and students for participating.

Learn the Rules and Get the Tools:

SPA Copyright Resources

To assist educational institutions and businesses in learning about and developing copyright policies, SPA offers the following resources and materials:

- ["Education Software Management: The K-12 Guide to Legal Software Use"](#) is a how-to book to help educators stay in compliance with the copyright laws. This book provides information on the nine steps and contains sample software policy statements, code of ethics and audit forms.
- ["Don't Copy That Floppy"](#) is a nine-minute video that uses peer pressure as students convey the message that it's not only illegal to pirate software, but it's also "not cool."
- **"Software Use and the Law"** is a brochure that details how the copyright law applies to software. It is available free upon request from SPA.
- ["Is It Okay for Schools to Copy Software?"](#) is a one-page flier that answers commonly asked questions about educational software. Districts are encouraged to photocopy the flier and distribute it to all employees, perhaps in conjunction with a staff-development or in-service program on copyright. Free upon request from SPA.
- **Copyright Office Circulars from the [Library of Congress](#)** explain copyright law in easy-to-understand language. Especially good are [Circular 1 - Copyright Basics](#) and [Circular 21 - Reproduction of Copyrighted Works by Educators and Librarians](#).
- [Certified Software Manager Course](#) is a six-hour course offered by SPA around the country that trains individuals to be software managers in their district, school, regional media center or administrative office.
- **SPA fax-on-demand (800) 637-6823** has information about ordering SPA anti-piracy materials including metering software, the above publications and others.
- [SPA Anti-piracy Web page](#) has information about copyright protection plus a sample code of ethics and policy statement on the Education Section home page *****Add link to new Education Home Page Here.**
- **SPA's toll-free hotline** for reporting copyright violations or requesting information is **(800) 388-7478**. SPA responds to each call. After confirming that a violation has occurred, one of three actions is taken: a cease and desist letter is sent, an audit is conducted or a lawsuit is filed. To date, more than 2,000 actions (audits or lawsuits) have taken place against organizations and training institutions.