



Software Information Industry Association

Fact Sheet

Is it Okay for Educators to Copy Software?

A. No. You must have the publisher's permission to copy software. Software is protected by copyright law, which says that you can't make copies unless you obtain the permission of the copyright holder. Copyright law is written this way to protect software programmers and publishers and the investment they've made in their products. The creative teams that develop the software — programmers, writers, graphic artists, content specialists and others — all deserve fair compensation for their work. Without the protection given by our copyright laws, they would be unable to produce the educational, entertainment and productivity software that adds so much to our daily lives — and teach our children.

Q. What exactly does the law say about copying software?

A. The law says that it is illegal to make or distribute copies of copyrighted material, including software, without authorization. If you do so, this is piracy, and you may face not only a civil suit, but also fines of up to \$150,000 and jail terms of up to 5 years. The law applies equally to schools, businesses, non-profits and individuals making and/or distributing software and content.

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

A. If a backup copy was not included in the box with your original diskettes or if the software instructs you to make backup copies when you turn on a new computer, you are permitted to make one copy in order to have both a working copy and a backup copy of the program. Copyright law prohibits you from making additional copies of the software for any other reason without the permission of the software company. If the publisher has authorized any exceptions to the copyright law, they will be stated in the license agreements that accompany all software products.

Q. But aren't schools allowed to make copies for educational purposes?

A. No. Like individuals and corporations, educational institutions are bound by the copyright law.

Because of their unique position of influence, schools have a particular obligation to abide by the copyright law and educate students about their own responsibilities when using software. Just as it would be wrong to buy one textbook and photocopy it for use by many students, it is wrong for a school to duplicate software without the authorization of the publisher. This means that educators cannot make unauthorized copies of software for their students, either to use in school or to take home.

Q. At our school, we share programs all the time. We all assume that this must be okay, since the school purchased the software in the first place.

A. Many educators are not aware of how the copyright law applies to them. Without the publisher's authorization to make copies, your school needs to purchase as many copies of a program as you will use. However, many software firms do offer special sales arrangements to schools. These include reduced priced lab packs (a number of copies of a program sold together), site licenses (arrangements which permit schools to make unlimited copies of a program for a specific location at a fixed price) concurrent (a set number of users can access the software at the same time), and network license. Because these arrangements vary from publisher to publisher, it is essential that you read and understand the license agreement for each program before making any copies.

Q. We're planning to install a network for our students. How do we know how many copies of software we'll need to purchase?

A. Remember that the installation of a network does not change your

obligations with regard to the copyright law. When purchasing software for a network, be sure to ask the publisher what types of licensing arrangements are available for networks. Some software publishers allow schools to purchase a network license, which authorizes the school to install stand-alone software on a network. In addition, many software publishers create special network versions which license the program to be run on the file server of a network.

Because some publishers limit the number of workstations that are permitted to legally access the software on the network, it is very important to check the license agreement for any restrictions that may apply.

Q. I've read the license agreement for one of the software packages purchased by our school. What if I'm not sure that I understand the arrangement correctly?

A. If you have trouble understanding the license agreement for a particular program, help is available. Your school district's media or technology coordinator or software manager may be able to answer your questions. In addition, you can always contact the software publisher and ask for a clarification of the license agreement as it applies to your school. Finally, if you still have questions, contact the Software Publishers Association for more information about software and the copyright law.

Q. I'll bet most of the people who copy software don't even know that they're breaking the law.

A. 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 read and understand the license agreements of the products they use and to be sure that their software use complies with copyright law. See what you can do to initiate a software policy

More valuable information on the reverse side of this page.



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statement in your school that everyone respects. Finally, as an educator, help set an example for your students that responsible computer users should be "software legal."

Q. What about distance learning?

A. The law applies equally in 'cyberspace' as it does to a classroom, library or computer lab center. Even though students or teachers may be using software over the Internet, that software must be properly licensed.

Just because the software may not be installed on the computer you are using, you must ensure that access to that software or content is authorized. When in doubt, ask the teacher or technology coordinator at your school.

Q. So, now what?

A. Check to see if your school has a policy regarding the use of software. If not, it is imperative that the school have a workable policy in place that takes into account various factors such as acquisition, tracking of licenses and

installations, remote access, control of equipment and the like.

Q. Okay, you convinced me – what do I as an educator need to do?

A. SPA has a number of materials designed to assist a school in using software in an ethically sound way. They include videos, suggested policies and procedures and a web site – all designed to ensure that you have the tools you need to stay in compliance with the copyright law. Those tools are detailed below.

Useful tools available from SIIA to assist you in effective software management:

- **It Could Have Been So Easy**, a video educating employees and management about the risks of copyright infringement. It's an excellent employee training tool for organizations of all sizes.
- **Don't Copy That Floppy**, a video where students learn about software piracy via this educational video done in rap style. Lesson plans are available with the video.
- **SPAudit and/or KeyAudit**. Software programs published by WRQ (WRQ Express Inventory, SPA Edition) and Sassafras KeyAudit that assist you in performing a software audit by determining what programs reside on the organization's hard disks.
- **Software Use and the Law**, a brochure that details how the copyright law applies to software. Detailed information is provided for management and IS professionals.
- **Education Software Management** include standard templates available from www.spa.org/piracy or www.siiia.net/piracy. These documents allow you to utilize language informing your employees of their responsibilities in respect to the use of software.

If you have any questions about how the copyright law applies to you and your school, please contact the SPA, a division of the Software & Information Industry Association at:

**Software & Information Industry Association
(formerly Software Publishers Association)
1730 M Street NW, Suite 700
Washington, DC 20036
+1 202-452-1600
www.siiia.net/piracy
Anti-Piracy Hotline 1-800-388-7478**



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