

Software Policies

A Guide to the Ethical and Legal Use of Software for Members of the Academic Community

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 software. They may not understand the implications of their actions or the restrictions of the U.S. copyright law.

1. UNAUTHORIZED copying of software is illegal. Copyright law protects software authors and publishers, just as patent law protects inventors.
2. UNAUTHORIZED copying of software by individuals can harm the entire academic community. If unauthorized copying proliferates on a campus, the institution may incur a legal liability. Also, the institution may find it more difficult to negotiate agreements that would make software more widely and less expensively available to members of the academic community.
3. UNAUTHORIZED copying of software can deprive developers of a fair return for their work, increases prices, reduces the level of future support and enhancement, and inhibit the development of new software products.

RESPECT for intellectual work and property of others has traditionally been 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 adaptation and use by individual colleges and universities was developed by the EDUCOM Software Initiative and is endorsed by the University of Evansville.

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 backup 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-protected software to you, the developer or publisher 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 clusters, software distributed in disks by a campus lending library, and software available on a campus mainframe or network. Some institutional licenses permit copying for certain purposes. Consult the Office of Technology Services 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 the Office of Technology Services 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 copies 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 registrations 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.

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 the Office of Technology Services.

A FINAL NOTE:

Restrictions on the use of software are far from uniform. You should carefully check each piece of software and the accompanying documentation yourself. In general, you do not have the right to receive and use unauthorized copies of software, or make unauthorized copies of software for others.

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