

## **Illegal software: yeah, right**

### **Illegal software?**

Suppose you just had a brilliant idea. Maybe you put a lot of work in your term paper or you wrote a song that could be a hit. The next day you see a fellow student selling your term paper to others and making a lot of money or someone recorded your song and becomes a star. Annoying? This is what happens to developers of software and games every day. Other people buy and sell their software without the appropriate license. Think of the extremely cheap software on Marktplaats (i.e. eBay); this may well be an illegal copy.

Companies, schools and consumers use illegal software deliberately or not deliberately. It's important to remember that legal use of software is dependent on meeting the terms of that software's license. For example: you buy a software package in the United States through a supplier you do not really know and you install the software on your school computer. This may be illegal as you need a EU license. Another example: if someone is selling software or games and the price seems too good to be true, it usually is too good to be true.

So what are the risks of using illegal software? It may in fact prove to be more expensive than legal software. How? When a student installs unlicensed software on the school computer and it is discovered, the school could be found liable and be obliged to pay damages. Moreover, websites that offer access to pirated versions of software often expose users to viruses or malware and sometimes the counterfeit software itself can include malicious code. This could damage your school network or your own computer. Making repairs can be a costly procedure. For students, the costs of illegal software seem an even worse deal when you remember that many major software manufacturers offer significant student discounts on software programs.

### **Why do we need to protect software?**

Creating software, including games, is a time-consuming, costly creative process. There are many people involved, including programmers, writers and graphical designers. When the software is not paid for, they are not able to get a return on their investment and use this to invest in the development of new software. The use of illegal software leads to unfair competition and as a result to the loss of jobs. It is a fact that illegal software has a negative impact on the economy. In 2009, the Netherlands missed 451 million Euros in taxes because of illegal use of software. So, it could be your future job that is at stake here.

**What does the law say?**

Copyright laws protect software programs against illegal copying and distribution. Only the makers of software are allowed to do this. They are the only ones who can allow others to copy software and distribute programs. The law also states that the buyer of a software package does not become the owner. He only buys the right to use it.

**What must an employee (or organisation) do?**

To prevent the use of illegal software by employees and schools, it is important to:

- Annually check the software that is used. Check if all the licenses are accounted for.
- Keep a record of software invoices and licenses.
- Check if the software is provided by a trusted party.
- Make one person with the right skills in the organisation responsible for the purchase and installation of software.
- Forbid staff/students to purchase or install any software, unless this is specifically authorised.

**Which organization combats the use of illegal software in South Africa?**

The fight against illegal software and piracy is mainly fought by the BSA:

- The Business Software Alliance (BSA) confronts companies that use or distribute illegal software. The BSA is also an association. Its members are software makers.

**About the Business Software Alliance (BSA)**

The Business Software Alliance ([www.bsa.org](http://www.bsa.org)) represents the software industry worldwide. It is BSA's global mission to promote a long-term legislative and legal environment in which the industry can prosper and to provide a unified voice for its members around the world. The organization works in over 80 countries. Activities include:

1. urging countries to simplify and harmonize their copyright laws;
2. promoting research on the IT performance of countries and illegal software use;
3. making users aware of illegal software and of the risks they are taking while using it;
4. Stimulating the correct use of software and educating companies on this matter.

Moreover, governments and industry partners look to BSA for thoughtful approaches to key policy and legal issues, recognising that software plays a critical role in driving economic and social progress in all nations. BSA's member companies invest significantly in local economies, good jobs, and next-



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