

# Piracy: From the Caribbean to the Cubicle

*It's illegal, immoral and it carries severe penalties. Need more reasons?*

There's Jack Sparrow, and then there's the guy in the office next door. While Captain Jack may seem to be more of the swashbuckling type than your typical coworker, most modern pirates are more likely to be found in a cubicle than in the Caribbean.

Traditional piracy, not nearly the problem it used to be two or three centuries ago, has nevertheless given way to various other, more bloodless forms of piracy not requiring a sword or a talking parrot. In a May 2008 study, the Business Software Alliance (BSA) reported the software global piracy rate at 38 percent, resulting in nearly US\$48 billion in total packaged PC software losses in 2007.

Though the United States has the lowest piracy rate in the world (21 percent), the US is also the country hardest hit by software piracy, as American companies produce about 80 percent of the world's software. These huge numbers cost companies a lot. But that's not usually enough to make that coworker next door think twice.

Many software companies are worth millions or even billions, right? So what difference can it make? Well, as the quote goes, "People who claim they don't let little things bother them have never slept in a room with a single mosquito." It only takes one, and copying even one program can lead to a fine and/or prison. *Every* infringement matters.

## > Don't Compromise, Don't Rationalize, Don't Make Excuses

To help me explain, I'll be getting some help from today's most well-known pirates, those of Disney's blockbuster series, *Pirates of the Caribbean*. First, a commentary between the Governor's daughter, Elizabeth Swann, and Captain Jack Sparrow:

*Jack Sparrow*: "We are very much alike, you and I, I and you...us."

*Elizabeth Swann*: "Oh. Except for a sense of honor and decency and a moral center. And personal hygiene."

*Jack*: [sniffs his armpit and looks back] "Trifles."

Sorry Jack, they aren't trifles. Being honorable, decent and moral is a good thing. On the other hand, copyright infringement is just plain immoral and illegal. Music sharing is a popular evil in the media and recording industry, but software companies around the world, including Novell, are hard hit as well, losing billions of dollars because of people who illegally copy software.

Some offenders work in the dark, selling products on the black market hoping not to get caught. But many, if not most, software pirates don't think twice about what they are doing when infringing software copyrights. They often mistakenly believe that since they bought the software, it's theirs to do with what they will; but in reality,

what they really bought was simply the license to use the software—usually for only one machine at a time.

I might as well believe that everything in my office here at Novell, including the computer, phone, desk and other items I use, including the parts, patents and programs involved in them are all now mine (hey buddy, wanna buy a stapler?). Of course, they aren't; by being hired I simply have been given the authority to use them.

The bottom line is, if a copyright exists, it is valid *and binding* regardless of whether anyone has taken the time to read it or not. Everyone is responsible for knowing the copyright rules attached to any software used or, especially, shared.

For example, by quoting *Pirates*, I am using intellectual material for this article that I did not create. Before posting the article, I made sure to check the law on such cases, including the "fair use" copyright policy (See: <http://www.copyright.gov/fls/fl102.html>). Always be aware of the laws surrounding the software or other intellectual material you buy and use, even contacting the company itself if necessary. In addition, companies should consider conducting software audits and including a statement on illegal sharing in company policy.

For more information on how to audit and keep track of all your company's assets, including software licenses, check out this month's article ([enter appropriate link](#)) on Novell ZENworks Asset Management.

## > This Rum Tastes Bad

My favorite line from *Pirates* is from Jack after he and Elizabeth had been deserted on an island. Jack deals with the desertion by enjoying a cache of rum he's found. Elizabeth, on the other hand, finds the alcohol abhorrent and burns it to make a smoke signal. Incredulous, Jack asks, "Why is the rum gone?!"

Just as sitting on a beach drinking rum with Keira Knightley may sound good to some, including Jack, copying software seems like an easy out to others. There might even be a few days in the sun. Yet piracy ultimately leads to negative consequences for everyone, from the company that distributes the software to the pirate and his customers.

For the pirate, the "rum" from infringing copyright can quickly turn into fines and jail time. Last March, [ABCNews reported](#) that two brothers were sentenced to prison after they were found selling pirated software at discounted prices online. One man was

sentenced to three years in prison and ordered to pay US\$855,917 restitution, while his co-conspirator was sentenced to 30 months in prison and ordered to pay US\$151,488 restitution after both pleaded guilty to felony copyright infringement. Numerous others are charged and convicted every year.

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## **In addition, the “good deal” the consumer gets with the pirated software is, in fact, a raw deal.**

The program might have glitches or work properly for only a short period of time, commonly known as time bomb versions. Warranties are nonexistent with pirated software and customer support and upgrades are forfeited. If the buyer is acting on behalf of a company or using company resources, the ensuing negative publicity portrayed to the media, shareholders and the general public from such employee activity would be extremely hard to handle. Like I said, it only takes one.

### **> Pirating Goes By Many Names**

Software pirates infringe copyrights in many ways; the [Software & Information Industry Association \(SIIA\)](#) has posted on their Web site a document called [What Is Software Piracy: The Piracy Problem](#), which describes ten commonly used methods of infringing copyrights. The following is a simple summary of the items in that list, so check out that document for the full descriptions.

- 1) **Softlifting**  
When someone buys a single license of a software application and loads it on several machines, they are softlifting. This happens when people "share" software with others who don't own licenses to use the software. It also happens when you install the software on your home or laptop computers when the license doesn't allow it to be installed on more than one computer. Softlifting is the type of copyright infringement most often found in businesses.
- 2) **Unrestricted Client Access**  
When someone owning a single-user license to a software application copies the application onto a network server and others on the network can access it, it's called Unrestricted Client Access. Single-user licenses usually only allow the application to be installed on a single computer at a time; hence, when more than one person installs the software on an additional computer, it's breaking the copyright laws and is illegal.
- 3) **Hard-disk Loading**  
When someone sells computers or hard disks that are preloaded with illegal copies of software, meaning they don't come with a valid

license or registration number to use the software, it's called hard-disk loading.

- 4) **OEM Piracy/Unbundling**  
Often, software is bundled with and only sold as part of a package with specific hardware, such as when you buy a new computer, it usually has an operating system preloaded. That software is called original equipment manufacturer, or OEM, software. It can be operating systems, applications and utilities of all kinds. When someone sells OEM software by itself without the specific hardware with which it should be bundled, it's illegal. In the same way, if an application is supposed to be sold only with another application, it's called a bundle. When the apps in that bundle are split up and sold separately, it's called unbundling and is also illegal. Both ways are a breach of the distribution contract between the vendor and the software publisher. If you come across software that is marked as "not for resale," steer clear if it didn't come in some type of bundle; it probably carries with it a fine if you're caught using it.
- 5) **Commercial Use of Noncommercial Software**  
Software publishers often sell educational or commercial-use-restricted versions of their software to various target markets, such as students, at a reduced price. It's illegal to acquire or use these types of licenses if you're not a valid member of the target market. For example, if you buy and use an educational version of an application and you're not a student or employee of an accredited educational institution, you're breaking the law.
- 6) **Counterfeiting**  
Counterfeiting is when someone duplicates and sells unauthorized copies of software in a way so the buyer thinks it's a legal copy authorized by the legal publisher.
- 7) **CD-R Piracy**  
When someone gets a copy of a software program and makes a copy using a CD recorder and either gives them away or sells them, it's piracy, and hence illegal.
- 8) **Internet Piracy**  
When someone uploads commercial software to the Internet that is not freeware or in the public domain, so anybody can copy and use the software, it's Internet Piracy and this wave is getting bigger all the time. With the growing wave is coming heftier fines, too; so beware.
- 9) **Manufacturing Plant Sale of Overruns and 'Scraps'**  
Software publishers produce a master copy of their software program and contract with a CD manufacturing plants to produce the vast amounts of copies of the software onto CDs.

The copies are then distributed to the vendors in the marketplace to sell to the public. When a CD duplicating plant makes more CDs than it was contracted to make and then sells the extras, or when the contract states that extras will be destroyed, but the plant instead resells those CDs, it's illegal. Stay away.

10) **Renting**

You can't rent software in the US for temporary use, as you can movies because of the Software Rental Amendments Act of 1990, which makes the practice illegal.

Will Turner, the daring blacksmith hoping to rescue Elizabeth from a shipload of pirates who have kidnapped her, teams with Jack in the hopes of finding the pirates' hideout. In joining with a pirate, however, Will quickly realizes his morals are going to be compromised. When Jack recommends using the fastest ship in the British Royal Navy, Will responds, "We're going to steal a ship? That ship?" Jack, in an attempt to rationalize, quickly quips, "Commandeer. We're going to *commandeer* that ship. Nautical term." Software infringement goes by many names, only ten of which are mentioned above. Don't be fooled; no matter what it's called, it's still stealing!

> **Choose the Right**

Help report piracy in the workplace and encourage others you see doing it at home. Don't try to push away your conscience. Elizabeth, hoping to moralize Jack, tells him, "There will come a time when you have a chance to do the right thing." Jack stubbornly replies, "I love those moments. I like to wave at them as they pass by." Aid others in making the right decision and protect those that do by reporting cases of piracy.

As Donne said, "No man is an island." Seldom do those who buy, sell or burn counterfeits do so without anybody knowing; indeed, you usually either have to get the program from someone to make copies of it, or you need buyers that will buy the counterfeit software from you.

Novell is a member of the Software Information Industry Association's (SIIA) Anti-Piracy Program, along with a number of other companies united in helping to prevent software copyright infringement. The SIIA teams with software companies around the world to crack down on pirating. If you have a case you want the SIIA to check out, fill out [this online form](#).

> **Conclusion**

In the words of Jack toward the end of the first film, "I think we've all arrived at a very special place. Spiritually, ecumenically, grammatically." For those who are wondering, we'll make *ecumenically* the Novell

Connection Magazine Vocab Word of the Month. It is defined as an adjective meaning "worldwide or general in extent, influence or application."

Bet you didn't learn that one in sixth grade. But yes, copyright laws are usually quite ecumenical. Software pirates live everywhere from the US to Ukraine, Brazil to Belgium, Canada to China and South Africa to South Korea. Various organizations are working to protect people, companies, and the marketplace by organizing campaigns. For instance, If you currently live or work in Latin America, you can participate in a program offered by Novell, Campana de Antipiratería para Partners en America Latina, or, Anti-piracy Partners Campaign in Latin America (See [A Strong Anti-piracy Campaign](#)). Others outside of Latin America can report any other infringement of Novell copyright to [reportpiracy@novell.com](mailto:reportpiracy@novell.com).

Help the software industry progress around the world by refraining from and cracking down on software copyright infringement. It only takes one to do a lot of damage; but it also only takes one to help. You can assist yourself and others in avoiding litigation in addition to giving yourself one of the best gifts of all—a clear conscience. **N**

**Spanish:**

**Una Fuerte Campaña de Antipiratería**

Novell está comprometida en una fuerte campaña de Antipiratería tendiente a lograr la supresión de la piratería en América Latina, lamentablemente muy difundida en la región en estos días y en el resto del mundo. Los esfuerzos de esta campaña están específicamente dirigidos a nuestros partners para ayudarlos a multiplicar sus esfuerzos para eliminar la piratería y procurar el uso legal, regular y correcto de productos Novell en toda América Latina. Si usted tiene información respecto de empresas que estarían haciendo uso indebido de productos Novell en América Latina, por favor contáctenos por email a [mochoa@novell.com](mailto:mochoa@novell.com).

**English:**

**A Strong Anti-piracy Campaign**

Novell is committed to a strong Anti-Piracy campaign with a resolve to stop piracy in Latin America, sadly a very common problem there and throughout the rest of the world. The efforts of this campaign are specifically targeted toward our partners to help them multiply their efforts to eliminate piracy and procure the legal and regular use of Novell products throughout Latin America. If you have any information regarding piracy in Latin America, please e-mail Novell at [mochoa@novell.com](mailto:mochoa@novell.com).