

COMPUTER SOFTWARE AND COPYRIGHTS

SUMMARY

Computer programs and computer elements have revolutionized the interpretation and practice of copyright law. The primary body regulating copyrights is the Copyright Act of 1976. Computer programs are protected and can be registered under the 1976 act. Computer programs are classified as “literary works”.

Section 117 of the 1976 Copyright Act was amended in 1980. This amendment establishes the conditions which a software user may copy the program. Software may be copied for the making of a backup or for archive purposes. Many software installation instructions require you to backup the originals and then use your backup for installation. This is to prevent losing your software if anything should go wrong in the process.

You may transfer the software with the sale of the equipment only if you have permission from the software manufacturer or copyright owner. Copying of the software for use on another machine is allowed only with a license agreement with the software manufacturer.

If your company has 10 different machines requiring use of the same software, you may not purchase one copy of the software and copy that software to the other 9 machines. This is in violation of copyright laws.

If you wish to use this software on all the machines, you must contact the software company and ask about a site license. Some software companies provide for packages of 10 sets at a reduced rate. Others may sell the software in single use packages only. In this case you must purchase 10 individual sets of the software for use on the 10 machines.

Each software company may be different. You will have to contact the software company for information about licensing options available.

This BMA was prepared by NTMA Staff.