

SOFTWARE COPYRIGHT COMPLIANCE GUIDELINES

NMSU Office of Audit Services – December 2001

Software piracy is the installation, use or distribution of unauthorized copies of software, which is protected property under intellectual property laws. Purchased commercial software packages include license agreements that indicate how the software should be used. Pirating software or failure to comply with restrictions in license agreements is illegal and may result in substantial fines for the University. Federal copyright laws allow for up to \$150,000 in damages for each work infringed.

Background: Organizations such as the Business Software Alliance, Software & Information Industry Associates and Microsoft have been aggressive in prosecuting institutions for software violations. In the event of a software investigation by one of these organizations, computers would be audited and we would be required to provide documentation to prove that we have licenses for all software installed on University-owned computers and networks.

Central administrative offices are not responsible for keeping documentation related to software compliance. Compliance is the responsibility of individual departments. Central offices have no way of knowing which computers software was installed on and often do not even know what software was purchased (i.e. – software purchases from the University bookstore).

NMSU has adopted a policy on the use of personal computer software ([link](#)). Following are some guidelines developed by our office for you to consider in ensuring that your area is complying with the policy.

Management's Role in Software Copyright Compliance

In order to ensure that your department is in compliance with software restrictions, we suggest the following:

- 1) Maintain a current inventory of all software installed on computers/networks in your area of responsibility. (*Note 1*)
- 2) Do not install software on a network unless specifically allowed in the licensing agreement.
- 3) If a software package *is* licensed to be operated across a network, make sure that any usage limits (per seat or concurrent) are observed and copying is disabled unless explicitly allowed under the license.
- 4) Ensure that software is not copied for use on more than one computer and that software user manuals are not copied.
- 5) Ensure that backup copies of software are not used to run the software on additional computers.
- 6) When software upgrades are purchased, previous versions and associated user manuals should be destroyed, *if no longer needed*. (Some upgrades require that the previous version(s) be installed before the upgrade is installed, so the previous version(s) must be maintained.)
- 7) Conduct a software inventory every year or periodically perform spot checks or 'audits' of University-owned computers to make sure that illegal software has not been inadvertently or deliberately installed. (*Note 2*)

Note 1: The inventory should be a formal list that includes software program names, serial numbers, version numbers, number of copies or users permitted by the license, and the computers and location of the computers on which the copies are installed.

Note 2: If you need help in determining what software is installed on a computer, you can request assistance from Information & Communication Technologies (ICT). ICT can 'audit' the computer and provide you with a list of all software installed on it that should have licenses. If you do not have the appropriate licenses, then you should remove the software from the computer immediately, and purchase a licensed copy of the software if needed. To place a work order with Desktop Support Services, call the Information Center/Client Services at 646-1840.