

BSAA reaches amicable settlement of \$150,000 with E.Law for alleged copyright breaches

An Australian provider of specialised IT services to the legal profession and government has settled a claim of alleged use of unlicensed software with the Business Software Association of Australia (BSAA). Under the terms of the settlement, E-Law Australia Pty Limited has agreed to pay \$150,000 and to instigate comprehensive software compliance procedures throughout the company.

According to a Director of E.Law, the alleged use of unlicensed software was the result of a lack of sufficient management procedures due to time constraints on the directors. But the company has taken active steps to develop and implement appropriate software asset management strategies over the last twelve months, she said.

The spokesperson said: "At the time of the non-compliance, we were extremely busy on major projects and unfortunately management strategies were not in place to ensure software compliance was effected. The breaches revolved around the installation of unlicensed software that was not required for the company's day to day activities and also the installation of a greater number of licences than the company required."

"Our experience should be a warning to all company Directors not to operate their businesses without software compliance procedures. All directors should take an active part in ensuring that there are adequate monitoring and auditing systems to prevent the installation of unlicensed software," said the spokesperson.

"E.Law understands the importance of intellectual property and we support the BSAA's decision to take a strong line on protecting the copyright of its members' software," she said.

"E.Law has now implemented policies to ensure that the company and its staff use only licensed software in future. This has included the introduction of a stringent management policy and education of its entire staff about their use of software. The company carries out regular audits of its software and the results of audits must be reported to the Directors. Staff members are aware that they must report any illegal software use to the Directors. Chairman of the BSAA, Jim Macnamara, said that the BSAA's experience over 15 years had shown that whenever there were not strict rules and controls in place to manage software installations and downloads, illegal software was inevitable as employees took matters into their own hands, sometimes because of naive enthusiasm and sometimes in blatant disregard for copyright."

"In short, any company or organisation without management procedures is likely to have illegal software and face major risks," Mr Macnamara said.

"An important point for company directors to note is that they can be held liable for illegal activities in their businesses, even if they are not directly involved. Corporate law maintains that directors have a responsibility to know what is happening in their business and to implement measures to ensure laws such as copyright are complied with," he said.

Helping Businesses Understand Software Management

The BSAA provides a range of free tools and resources on its web site as well as a step-by-step guide to implementing a Software Asset Management (SAM) process. For more information please visit <http://www.bsaa.com.au> or call 1800 021 143.

Ends

More information:

Toll-free hotline for public inquiries (anonymously if preferred): 1800 021 143

BSAA Web site: www.bsaa.com.au

About BSAA

The Business Software Association of Australia (BSAA) is affiliated with the Business Software Alliance (BSA), which operates globally in 65 countries. BSAA members include Adobe, Apple, Autodesk, Macromedia, Microsoft and Symantec.

BSA (www.bsa.org) members develop the software, hardware and the technologies building electronic commerce. Principal issues include copyright protection, cyber security, trade, e-commerce and public policy initiatives that impact the Internet. BSA members include Adobe, Apple, Autodesk, Avid, Bentley Systems, Borland, Cadence Design Systems, Cisco Systems, CNC Software/Mastercam, Dell, Entrust, HP, IBM, Intel, Internet Security Systems, Intuit, Macromedia, McAfee, Inc., Microsoft, Parametric Technology, RSA Security, SolidWorks, Sybase, Symantec, Trend Micro, UGS Corp. and VERITAS Software.

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