

# Board Policy

## Computer Software Copyright

It is the intent of the Board to adhere to the provisions of copyright laws in the area of microcomputer programs. Though there continues to be controversy regarding the interpretation of those copyright laws, the following procedures represent a sincere effort to operate legally. We recognize that computer software piracy is a major problem for the industry and that violations of computer copyright laws contribute to higher costs and greater efforts to prevent copies and/or lessen incentives for the development of effective educational uses of microcomputers. Therefore, in an effort to discourage violation of copyright laws and to prevent such illegal activities:

1. the ethical and practical problems caused by software piracy will be taught in ESBOCES facilities;
2. ESBOCES employees will be expected to adhere to the provisions of NYS Public Law 96-517, §7(b) that amends §117 of Title 17 of the United States Code to allow for the making of a back-up copy of computer programs; this states that "...it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of the computer program provided:
  - a. that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner; and
  - b. that such a new copy and adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful."
3. when software is to be used on a disk sharing system, efforts will be made to secure this software from copying;
4. illegal copies of copyrighted programs may not be made or used on ESBOCES equipment;
5. the legal or insurance protection of ESBOCES will not be extended to employees who violate copyright laws;
6. a designated copyright officer is the only individual who may sign license agreements for software in ESBOCES (each facility using the software also should have a signature on a copy of the software agreement for local control); and
7. the principal of each facility is responsible for establishing practices that will enforce this policy at the building level.