Copyng Software

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The problem of unlawful copying of computer software (programs) is a very hot topic in the press and among librarians at conferences and meetings. In this discussion we are concerned with only three questions: “Is it legal to make copies of software?”; “What is the library’s liability if someone makes an unlawful copy using our equipment and/or software?”; “How can the library be protected?”

The answer to the first question is a definite – maybe. It depends how the library originally acquired the program. If the program was an outright purchase, the rights of the purchaser are clearly spelled out in Section 117 of the 1976 Copyright Act. That section provides that the purchaser (in this case the library) has the statutory right to make as many copies of the program as needed in order to use it or to store it for backup or archival purposes.

Libraries do not ordinarily make a copy of a book before circulating it so we must look at computer software in a very practical way. Software is extremely fragile. The magnetic character of disks makes them susceptible to damage from temperature change, static electricity and just plain carelessness. These programs are usually very expensive ($100 - $400 each) and the proper practice is to use the original disk to make a copy (or backup) and store the original in a safe environment. The copy is used as the working disk and if anything

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