

SIIA's Corporate Content Anti-Piracy Program Continues Apace

By Christopher Barnett

The Software & Information Industry Association (SIIA) is well known for contacting businesses regarding claims of copyright infringement based on unlicensed use of its members' software. The audit process associated with those matters can be arduous, and fines payable to the SIIA at the conclusion of an audit can be, in some cases, crippling to a company's bottom line. However, the SIIA does not limit itself to copyright claims related to software.

In a [press release](#) issued August 30, 2011, the SIIA announced a settlement with a California building-contractor company that it had accused of internally copying and distributing to its employees a newsletter about California occupational health and safety, for which it had purchased only a single subscription. The inclusion or amount of any monetary penalty included among the settlement terms is not mentioned in the press release. However, in our experience the SIIA rarely releases any claim without requiring a targeted business to pay a significant fine. In addition, any kind of copyright-related investigation is almost always disruptive and costly to a business' daily operations.

Notwithstanding the SIIA's slickly pejorative labeling of such companies as content "pirates," many business owners and managers simply are unaware of all of the implications of using or distributing original content that they purchase – be it newsletters or desktop software. In cases where content acquired from third parties is not clearly described in a written license agreement that company management has read and understands, it makes sense to consult with legal counsel before making assumptions about if and how that content may be accessed, copied, distributed, or incorporated with other company deliverables. And if the SIIA comes knocking with an audit demand, the very first call should be an attorney who is knowledgeable regarding the legal and strategic implications of acceding to that demand.



About the author Christopher Barnett:

Christopher represents clients in a variety of business, intellectual property and IT-related contexts, with matters involving trademark registration and enforcement, software and licensing disputes and litigation, and mergers, divestments and service transactions. Christopher's practice includes substantial attention to concerns faced by media & technology companies and to disputes involving new media, especially the fast-evolving content on the Internet.

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