

Ninth Circuit Copyright Law is Sweet for Software Pirates!

Another dose of copyright law that should make every software pirate feel good about himself.

In this case, an Israeli company called Netect LTD bought one copy of PowerRPC software licensed for one user. The software would display the text "One User License." The Israelis later passed the software a Texas company, and eventually to Symantec Corporation, which sent it to India, where many Symantec programmers used it to develop internet security software and then sold it all over the world. Millions of copies of the software were proliferated. The copyright owner sued Symantec.

The Federal Court in San Francisco found that there was NO copyright infringement, no contract, no fraud, no remedy at law and dismiss the whole case. The Court's holding was the following (NETBULA, LLC v. SYMANTEC CORP., 516 F. Supp.2d 1137 (N.D.Cal. 2007) (order dismissing lawsuit)):

The first appears in a screen shot from a [PowerRPC] program ..., and states: "Netect Ltd., One user ONC RPC Dev License." ... The second line of text, which Plaintiff claims is contained in the pwrpc32.dll file itself, states: "Netect LTD. Dev License, Non distributable." ... Once more, Plaintiff again fails to show that this text was ever seen by Netect... For the foregoing reasons, the Court GRANTS Defendants' Motion for Summary Judgment as to Plaintiff's copyright infringement claim.

We can summarize the Court's holding above as follows:

Although the software displays a message that the license was for one user and was not distributable, because the copyright owner of the software cannot prove that the first buyer of the software ever saw these messages, the copyright owner has no copyright claim against anyone who subsequently copied the software.

The absolute simplicity of this holding is striking.

Source: <http://www.American-Justice.org>