

Theft is an unfortunate problem that every industry confronts in some form, whether burglary, robbery, counterfeiting, shoplifting, embezzlement or others. Businesses that rely on copyright to protect their products and services - such as software companies, publishers and other information providers - are no different. Copyright is a form of property and copyright infringement is theft. "Infringement" means unauthorized use of material protected by copyright, patent or trademark law. Infringement is also often referred to as "piracy".

While computers and the Internet have provided many new efficiencies and positive changes in business and in society as a whole, they have given rise to new risks and possibilities for copyright theft, particularly for the industries that create and distribute content. While "content" theoretically could refer to anything that customers read, watch, or listen to - such as films, sound recordings (i.e., music), software, electronic publications, databases - here, the term refers to published text (protected under the Copyright Act as "literary works") or information such as databases. Put another way, content is a work expressed in words, numbers or other verbal or numerical symbols, such as in newspapers, magazines, databases, industry reports, newsletters, and web pages. Because digital technology makes it so easy to make copies quickly and perfectly -- and distribute them instantaneously to large numbers of people -- it can be more tempting than ever to violate the copyright laws.

It takes just a few simple clicks of a mouse to copy and redistribute digital content. The act is so easy and such a seamless part of using the Internet (and not always illegal) that anyone who has ever used e-mail or the Internet has undoubtedly done it. We all forward e-mails, we print out web pages and we download files from the Internet. The result is flawless copies of the original, equally flawless copies of the copies, and so on. It is this copying and distribution capability that makes digital content so easy to work with - and so difficult to protect.

While most people generally are law-abiding by nature, the copying of content has become so widespread that people who would never consider stealing a book or magazine from a store may not hesitate to use their computers to commit a similar violation -- breaking the copyright laws or breaching their license agreements with content providers. In some cases, the violation may even be inadvertent. The law, however, does not excuse inadvertent or uninformed copyright infringement, and (as will be discussed later) imposes significant consequences. The penalties are particularly severe for those who "wilfully" infringe, meaning that they knew, or reasonably should have known, that they were violating the law.

Anyone who uses, copies, distributes, or displays (in whole or in part) someone else's

copyrighted content without authorization may be violating the owner's copyright rights. Such violations can result in a lawsuit and money damages, and in some cases, criminal prosecution with jail time.

When someone infringes a copyright, the copyright holder effectively is deprived of income-(either directly or indirectly) that could be used to develop new or better content. Every year the content industries lose millions - if not billions - of dollars to copyright infringement, depriving the public of new creative works, costing industry jobs and hurting the economic growth of this country. These consequences would be substantially limited if users took just a little time to understand and respect the law and the cumulative adverse effect of their actions.