



# **APEGGA**

*The Association of  
Professional Engineers, Geologists  
and Geophysicists of Alberta*

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## **ILLEGAL COPYING AND USE OF COMPUTER SOFTWARE**

### ***A Guideline***

#### **INTRODUCTION**

Computer software can be in any one or a combination of forms composed of computer programs and data. There is no distinction between human and machine readable programs or data. Computer software can be written or printed in hardcopy or embedded in electromagnetic media; embodied in erasable memory systems; in read-only memory chips or machine parts; or be transmitted through one or a variety of media.

#### **LEGAL CONSIDERATIONS**

Computer software is covered under the *Canadian Copyright Act* which provides for a financial penalty as well as a jail sentence for violation. The *Copyright Act* protects authors' legal rights and privileges to their creative works. It should be noted that a copyright in a work exists as soon as the work is created and there is no requirement to publish the work or to affix any special notice thereto.

In addition to copyright considerations, usage of commercial software is also generally governed by contract law under the agreements of the software purchase contract and/or licence.

#### **ETHICAL CONSIDERATIONS**

The Code of Ethics establishes the duty of APEGGA members to enhance the dignity and status of the professions. APEGGA members shall conduct themselves with fairness and good faith toward other professional members and the public in the area of computer software usage to avoid conduct which would detract from the image of the professions.

In consideration of the Code of Ethics, APEGGA members must guard against any violations, real or apparent, of the *Canadian Copyright Act* and contract laws and the resulting legal and ethical consequences.

#### **GUIDELINES**

All purchased/licensed computer software is subject to the full provisions of the agreements connected with the acquisition of the software and manuals associated therewith. All APEGGA members should be aware of the agreement provisions and abide by the terms of the agreements with particular regard to copying restrictions.

The use of copies of computer software or manuals that have been obtained in violation of copyright or trade secrets or in any other fraudulent manner is deemed unprofessional conduct on the part of an APEGGA member.

In addition to exposure to possible criminal prosecution, violation of copyrights or misappropriation of trade secrets associated with computer software by our members may result in disciplinary action by APEGGA.