

The ethics of the unauthorized copying of software; piracy or a new paradigm

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Consider the following scenario: You upgrade your version of a popular SW package. The upgrade license supplants the original. A friend asks for the CD of your old version. You paid for the old version — it's yours, you're no longer using it, and it's outdated anyway. By giving it away are you and your friend committing "SW piracy?"

How about this one: You download a fully functional evaluation copy of a popular compression utility with a pop-up window which reminds you that its use requires registration (by check or credit card). You never quite get around to purchasing a license. Is what you are doing unethical?

The answer to both questions is yes.

The development and maintenance of software requires an investment of resources — sometimes considerable. And, it is not unreasonable for providers to expect compensation for this investment if they so choose. By pirating software your colleagues are left having to foot the bill for this investment. Users should share this responsibility.

In the first scenario above, upgrade licenses are generally cheaper because you're not paying for the whole product — merely modifying an existing one. The "old" version is now part of the upgraded version and not yours to give away. In the second scenario, by agreeing to the terms of the download you accept the responsibility to recompense the provider.

Admittedly, it might be tempting to pirate the products of huge corporations which earn profits in the billions of dollars. After all, they reaped the returns on their investment long ago. However, whatever problems may exist with these corporations they don't lie with the concept of protecting intellectual property. Rationalizing unauthorized copying on these grounds is not really reasonable.

While the making of unauthorized copies of software on which the manufacturer has placed a monetary value, and for which you've paid, is clearly unethical, the situation may be different for "free" software. Proponents of free software suggest that the copying of programs should require no authorization. While there are several different philosophies on this subject, the core arguments are that 1) Creating a copy of a program does not affect the original. 2) Freedom to copy enhances cooperation by facilitating the sharing of results. In this way, the wheel is not constantly re-invented. A similar argument may be made defending the publication of scientific research results: society as a whole benefits.

These points are compelling. Indeed, everyone has stood to benefit from the availability in the public domain of fundamental tools such as the editor emacs and the GNU compilers.

With the advent of affordable CDROM burners on the market, the honor system for protecting intellectual property becomes easier and easier to subvert. This may force a new paradigm in SW ownership along the lines proposed by free software advocates. Until that time however, the users of software should compensate the developers of software for their time and effort. It seems only fair.