



An Roinn Airgeadais
Department of Finance

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Circular 3/2001: Copyright and Related Rights Act, 2000 - Software Use and Management Policy in the Civil Service

A Dhuine Uasail,

Introduction

1. I am directed by the Minister for Finance to refer to the Copyright and Related Rights Act, 2000 which came into effect on 1 January, 2001 and its implications for software use and management in the civil service. The Act puts in place a modern regime of statutory protection for copyright and related rights, including provision for civil remedies and criminal penalties to deter copyright infringement.

Use and Management of Computer Software

2. Under the Act, the use of computer software is protected and users of software must have a licence authorising its use. The Act provides, inter alia, the owner of the copyright in a computer program with the exclusive right to authorise or prohibit the use of that work.
3. Sections 80, 81, 82 and 83 of the Act list the circumstances in which a person may make a permanent or temporary copy of all or part of a computer program or database without infringement of the copyright relating to that computer program or database.
4. Copyright offences are set out in Section 140 of the Act and a person found guilty of an offence under subsection (1), (3) or (4) of Section 140 shall be liable-
 - (a) on summary conviction, to a fine not exceeding £1,500 in respect of each infringing copy, article or device, or to imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine not exceeding £100,000, or to imprisonment for a term not exceeding 5 years, or both.

To: all Departments* etc.

[* Note: For Department, read Department/Office throughout this circular]

5. Departments and bodies under their aegis should have in place an effective software compliance programme in order to ensure that only lawfully acquired software is in use, in accordance with the provisions of the Act. This should include a Software Use and Management Policy to which each member of staff, including new recruits, would be required to adhere. An approach to the development of a Software Use and Management Programme is set out in the Appendix hereto.
6. Use of unlicensed software directly affects jobs and tax revenues. Ireland is now the largest exporter of software in the world. The Irish software industry employs some 25,000 people and earns approximately £5.1 billion in export sales (1999 figures). The public sector has an essential role to play in setting an example as the largest domestic consumer of software.

Enquiries

7. Enquiries concerning this Circular should be made to **IT Control Section, Department of Finance, Lansdowne House, Lansdowne Road, Dublin 4**, telephone VPN 8109 5103 or DDI (01) 604 5103.
8. Please bring this Circular to the attention of all officers serving in your Department, as well as the agencies for which your Department has responsibility.

Mise le meas,

E. Embleton
Assistant Secretary

APPENDIX

An Approach to the Development of a Software Use and Management Programme

Each Department and public organisation should undertake the following steps:

Software Use and Management Policy: Develop and widely distribute a fully comprehensive statement governing the acquisition and use (including reproduction, distribution and transmission) of software by the organisation, to include:

- **a Software Use Policy** prohibiting the use or installation of non-licenced software by the organisation. All employees should be required to comply with the policy. Appropriate reminders of the Policy should be issued on a regular basis (at least annually);
- **a Software Acquisition Policy** to ensure that only licenced software is installed on the organisation's computing infrastructures. This Policy should address the downloading of software from the Internet, the use of user-owned software on the organisation's computers, the use of organisation-owned software on home computers and the decommissioning of the organisation's computers;
- **the appointment of a designated officer** with overall responsibility for implementing the organisation's Software Management Policy;
- **control arrangements** to ensure that the organisation procures licenced software only;
- **training arrangements for existing and new staff** in the use of formal procurement methods for all acquisitions of software (as set out in the GCC Public Procurement booklet);
- **a schedule of software and licences** together with relevant associated documentation and invoices;
- **a system for periodic and random inspections** to ensure that best practices are being followed within the organisation; and
- **the taking of periodic (at least annual) inventories of software** installed on each PC and server being used in the organisation's computer infrastructures.

The Accounting Officer should ensure that the organisation uses only legally procured software and adheres to the Software Use and Management Policy.