

IP law: Business Software Alliance gets judgment against download site

The Business Software Alliance has won a substantial damages claim against Matthew Miller of Newark, Delaware who operated a website selling unauthorised downloads of commercial software.

Software by Adobe, Microsoft and Autodesk were found to be for sale via an auction site and downloaded from a service under Miller's control, says the BSA.

A judge ordered Miller to pay damages of USD190,000 plus interest and costs bringing the total up to approx USD210,000.

The judgment states that Miller is permanently enjoined from committing future acts of copyright infringement involving Adobe, Autodesk and Microsoft software products. Additionally, Miller has been ordered to immediately destroy any and all infringing copies of such software in his possession or control.

The BSA says that it rarely takes action against individuals but that in this case it was merited because Miller was running a business.

According to legal documents filed on behalf of BSA member companies, the defendant "admitted he had 'downloaded software, burned and copied CDs and sold about 200 to outsiders for USD8.00 to USD12.00.'" In one particular instance, Miller was accused of offering approximately USD11,897 worth of software to an undercover investigator for just USD52, with an agreed price of USD45 after some haggling.