

**US Environmental Protection Agency  
Office of Environmental Information  
GUIDELINES**  
for the  
**Software Management and Piracy Policy**  
**June 2003**  
**CIO 2104-G-01.0 (no former number)**

---

**Purpose:** The Environmental Protection Agency's (EPA) Software Management and Piracy Policy requires EPA to acquire, manage, and use computer software in compliance with applicable laws and licensing restrictions to guard against use of counterfeit software or software that violates licensing restrictions. Mismanagement of copyrighted and/or licensed computer software conflicts with fundamental government and EPA values regarding the protection of intellectual property. These guidelines, based on the Federal CIO (Chief Information Officer) Council's guidelines, give recommendations for implementing the Policy and Executive Order 13103 on Computer Software Piracy.

---

**Audience:** These guidelines for implementing the Agency's Software Management and Piracy Policy are for use by all EPA personnel, agents or others authorized to work or conduct business:

- in an EPA facility,
- in a flexiplace work arrangement, or
- from any other remote location while conducting authorized EPA activities.

These guidelines also are applicable to, and may be used by, EPA contractors and recipients of EPA financial assistance, such as grants, Interagency Agreements (IAGs), and loans.

---

**Related Documents:** Environmental Protection Agency's (EPA) Software Management and Piracy Policy (Agency Directive 2165.1 - May 15, 2003)  
Policy and Executive Order 13103 on Computer Software Piracy  
( [http://www.gsa.gov/attachments/GSA\\_PUBLICATIONS/extpub/19.pdf](http://www.gsa.gov/attachments/GSA_PUBLICATIONS/extpub/19.pdf) )  
EPA's Directive 2100, IRM Policy Manual  
EPA Directive 2195 A1, EPA Information Security Manual  
EPA Delegation of Authority 1-84, Information Resources Management  
( [http://intranet.epa.gov/rmpolicy/ads/dm/1-84\\_534.htm](http://intranet.epa.gov/rmpolicy/ads/dm/1-84_534.htm) )  
Chief Information Officers (CIO) Council model policy on "Implementing the Executive Order on Computer Software Piracy" (June 2000)

Chief Information Officers (CIO) Council “Guidelines for Implementing the EO 13103 on Computer Software Piracy.” (August 1999)  
EPA LAN Operating Procedures (LOPS) 2002  
Chapter 2.3, Licensing  
Chapter 3, Support Roles, Responsibilities and Resources  
NTSD Operational Directives:  
100.02: Contracts for Third Party Software Packages  
270.04: Personal Computers Security  
270.05: Personal Computers Configuration and Inventory Management  
EPA Order 2195.1 A4, Agency Network Security Policy  
Standards of Ethical Conduct for Employees of the Executive Branch, U.S. Office of Government Ethics, September 1999  
EPA Order 3120.1, Conduct and Discipline, or successor documents  
EPA Order 2100.3, Limited Personal Use of Government Office Equipment

---

**Guidelines:**

To best meet the requirements under EPA’s Software Management and Piracy Policy, each Agency Office should establish auditable procedures to ensure that all software purchased or acquired adheres to EPA’s policy on software management and piracy.

To avoid purchasing or installing illegal software, each program office should:

- Purchase software from reputable resellers: validate licenses from these resellers and demand proper license and accompanying materials;
- Document and verify appropriate licenses: verify that the licenses authorize EPA to distribute and use the software;
- Maintain a record keeping system: keep track of appropriate documentation for each software license;
- Train personnel: learn how to track and identify software misuse; Information on how to detect and/or avoid computer software piracy should be included as appropriate to Agency personnel in the Agency Information Security Awareness training. Additional training may be provided to LAN managers and Novell Administrators for tracking and monitoring licenses.

Executive Order 13103 (Section 1(c)) requires that government contractors and recipients of Federal grants and loans must have "appropriate systems and controls in place to ensure that Federal funds are

not used to acquire, operate, or maintain computer software in violation of applicable copyright laws." If EPA becomes aware that contractors or recipients are using Federal funds to acquire, operate, or maintain unlicensed software and determine that such actions may affect the integrity of the Agency's contracting and financial assistance processes, EPA is required to "take such measures, including the use of certifications or written assurances," as deemed appropriate and consistent with the requirements of law.

---

### **Types of Pirated Software:**

Copies of software are normally sold to end users and are subject to the software publisher's license agreement. That agreement typically restricts how, and to whom, software copies may be distributed. Agency software purchasers should review the applicable license and ensure that its use of the software will not violate any restrictions imposed by the software publisher.

Types of pirated software or licensing violations include:

- Software that has been illegally copied;
- Software that has been reproduced and/or distributed in violation of a software license

Examples of pirated software include:

- **Counterfeit software:** unauthorized copies of software that are duplicated with the intent of directly imitating the copyrighted product. Counterfeit software is typically reproduced and distributed in a form to make the product appear legitimate and thus may include sophisticated efforts to replicate packaging, documentation, registration, logos, and security features.
- **Compilation CDs:** unauthorized copies of multiple software programs that are compiled onto a single CD. Compilation CDs typically include software programs published by a variety of software publishers.
- **Hard-disk loaded software:** unauthorized copies of software loaded by the hardware dealer onto the hard disk of the computer and then offered to the customer as a free or heavily discounted incentive to purchase the computer.
- **Online pirated software:** unauthorized copies of software that are distributed and downloaded via the Internet.
- **Other illegally copied software:** software that is copied from

disks, CDs, or other machines without authorization of the copyright owner.

---

**Misused Software:** License misuse occurs when legitimate copies of software are distributed and used in violation of the applicable license agreement.

Examples of license misuse include:

- **Original Equipment Manufacturer ("OEM") software:** OEM software is licensed and specifically marked for distribution with new computer hardware. License misuse occurs when OEM software is "unbundled" from the computer and distributed to, and used by, the end user as a standalone product, often at a heavily discounted price.
- **Academic Versions:** Academic software is manufactured, licensed and specifically marked for distribution to educational institutions and students at reduced prices. License misuse occurs when academic software is distributed to, and used by, a non-academic end user.
- **"Not for Resale" software:** NFR software is marked "not for resale" and typically is distributed as promotional or sample product and not licensed for commercial distribution and use. License misuse occurs when NFR software is distributed in violation of its resale restrictions.
- **Fulfillment Software:** Fulfillment software is licensed solely for distribution to mid- or large-sized end users that currently possess a volume license agreement or valid site license. Fulfillment software is typically distributed in a CD jewel case without the packaging or materials that accompany retail product. The fulfillment media is not itself licensed product. License misuse occurs when fulfillment software is distributed to, and used by, end users that lack the necessary licenses for use of the underlying product.
- **Software Upgrades:** Upgraded versions of software programs are licensed and specifically marked for distribution to end users that currently possess a valid license for the original product. License misuse occurs when upgrades are distributed to, and used by, end users that lack a license for the original product.

Typically, OEM, Fulfillment and other non-retail products are distributed

without the colorful packaging and materials that accompany full retail products. Accordingly, these non-retail products are easier to counterfeit. Thus, Agency employees should be aware that deeply discounted non-retail software may in fact be counterfeit.

---

**Consequences:** Employees are expected to adhere to the Standards of Ethical Conduct for Employees of the Executive Branch, and to EPA ORDER 3120.1, Conduct and Discipline, or successor documents.

An EPA employee, EPA contractor, or recipient of EPA financial assistance may be held personally liable for willful, deliberate violations of copyright laws (e.g., loading and/or using unlicensed, copyrighted software on Agency work stations).

Penalties may include, but are not limited to, a letter of warning, a letter of reprimand, suspension without pay, dismissal, or other penalties in accordance with applicable law and/or Agency rules and regulations, which can include criminal or civil penalties. The severity of the violation or the pattern of violation will be considered when determining the action taken.

Violations should be reported to the applicable supervisor or manager, Senior Information Resources Management Official (SIRMO), IRM Branch Chief, or Information Security Officer (ISO) for enforcement or disciplinary actions.

---

**Definitions:** **Software:** Includes stand-alone software programs, Original Equipment Manufacturer (“OEM”) or ‘bundled’ software, new and upgraded versions of software, or any other licensed software.

**Piracy:** Illegally copying software, using software that violates licensing restrictions, and/or other misuse of the license agreement.

---

**Additional Information:** For more information on protecting your program office or Region from purchasing or installing pirated software, please contact your Senior Information Resources Management Official (SIRMO) or IRM Branch Chief.

For more information on these guidelines, please contact the Office of Environmental Information, Office of Technology and Planning, Information Technology Policy and Planning Division (OEI/OTOP/ITPPD).

