The True Cost of Defending Against Copyright Infringement Litigation

Software publishers and entities like the BSA, The Software Alliance and the SIIA regularly audit companies to investigate copyright infringement claims. These entities seek monetary penalties if any infringement is discovered, and in the majority of cases, reach an out of court settlement for an agreed upon sum, writes **Keli Johnson Swan**, an associate at **Scott & Scott, LLP**.

Sometimes, settlement negotiations break down and one or both parties resort to pursuing claims in court. In many instances, the auditing entity will pursue litigation if it believes that the audit target is refusing to participate in the audit process or is unwilling to reach an amicable resolution. In other instances, a company may choose to fight any potential copyright infringement claims in court rather than participate in an arbitrary auditing process defined by the publisher or auditing entity. There are a few key costs to consider when determining how to defend against software infringement claims.

Read the article.