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FOR ENGINEERING AND SCIENCE

U.S. Attorney decides not to appeal LaMacchia decision - Press Release

Year

1994

Description

An article describing U.S. Attorney's decision not to appeal the decision on the David LaMacchia case.

Body

December 28, 1994

United States District Court Judge Richard G. Stearns granted the motion of David LaMacchia to dismiss the indictment brought against him. Today, United States Attorney Donald K. Stern announced that he would not appeal that decision.

In his decision, the Judge observed that "the government's objective is a laudable one" and stated that "if the allegations in the indictment are accurate, LaMacchia's actions were at best...heedlessly irresponsible, and at worst...nihilistic, self-indulgent, and lacking in any fundamental sense of values." The Court noted that "reasonable people might agree" that the conduct the government sought to punish in this case "deserves the sanctions of the criminal law." Nevertheless, the Court dismissed the indictment, holding that there was no clearly expressed Congressional intent to permit prosecution of copyright infringement under the wire fraud statute. There was no allegation that LaMacchia infringed copyrighted

software for commercial advantage or private financial gain.

United States Attorney Donald K. Stern, in consultation with the Department of Justice, has decided not to appeal the Court's decision. In announcing his decision, Stern stated:

"Judge Stearns' opinion underscores the desirability of prompt Congressional action which would remove any uncertainty that willful, multiple infringements of copyrighted software, even where there is no commercial motive, is illegal. An appeal of this case, whether or not ultimately successful, might serve to delay the legislative process. For this and other reasons, I have decided not to appeal the Court's decision.

Large-scale software piracy is a serious problem. It will continue to be a priority of this office. I believe that any uncertainty as to whether criminal sanctions can be imposed where there is no commercial gain, at this juncture, is best addressed by new legislation.

The Department of Justice will work closely with Congress, industry and other interested parties to work out the details."

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