



Online Ethics Center  
FOR ENGINEERING AND SCIENCE

# Student Indicted on Piracy Charges

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## Description

An article about the initial discovery of LaMacchia's file-sharing network, the estimated financial losses by the computer industry because of that network and the possibility of disciplinary action taken against LaMacchia by MIT officials.

## Body

**ATTENTION** - The FORMAT of the following article has been modified from its original appearance for ease of reading. No content or information has been removed from this article.

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A federal grand jury charged an MIT student yesterday on a felony charge for allegedly allowing the piracy of over \$1 million in business and entertainment software using Athena workstations.

David M. LaMacchia '95 was indicted on one count of conspiring to commit wire fraud, according to a statement from the U.S. Attorney's office in Boston. LaMacchia allegedly allowed the duplication of hundreds of copyrighted software packages between Nov. 21, 1993, and Jan. 5, 1994, using workstations on the Athena Computing Environment.

"We became aware sometime in December that a computer was being used to distribute software," said Kenneth D. Campbell, director of the news office. "That information was turned over to Campus Police and the FBI. MIT personnel cooperated with the FBI in the investigation."

The incident was discovered when an Athena-user in the Student Center cluster noticed that an unattended workstation next to him was behaving abnormally, making frequent disk accesses, according to James D. Bruce ScD '60, vice president for Information Systems.

The user apparently reported the abnormal behavior to members of the Student Information Processing Board, who then proceeded to investigate the matter, according to a source familiar with the investigation. The SIPB members saw the status of the workstation and reported the incident to the Information Systems staff, the source said.

SIPB itself was not part of the investigation, according to Jessie Stickgold-Sarah '96, the SIPB chairman.

Attorneys for LaMacchia issued a swift denial of the charges late yesterday, saying LaMacchia was merely the provider of a service which others used to place and remove files. The statement called the indictment a test case to "decide whether current criminal law would penalize a [systems operator] who neither controls what is placed on the system nor profits one cent from any copyrighted software that others upload to and download from the system that he and others create and operate."

Many of the people who accessed the pirated files over the Internet concealed their location by using an anonymous service in Finland, Bruce said.

The Associated Press reported yesterday that LaMacchia advertised the server strictly by word-of-mouth to avoid detection. The AP quoted the indictment as saying that as many as 180 users accessed the server in one 16-hour period.

## **Disciplinary Process Underway**

Within MIT, "there was a disciplinary action filed against [LaMacchia] sometime in January," Bruce said. These proceedings have been halted, he added.

Another anonymous source said that the Office of the Dean for Undergraduate Education and Student Affairs had received a complaint in January, but had not decided whether the disciplinary action would be forwarded to the Committee on Discipline, handled by the Dean's Office, or dismissed outright.

Dean for Undergraduate Education and Student Affairs Arthur C. Smith said last night that Institute disciplinary procedures are usually suspended when a student is charged with such a crime. However, Smith would not comment on the status of any disciplinary case underway. If LaMacchia were convicted, he would still be subject to the normal disciplinary measures within the Institute, Smith said.

## **Losses Over \$1 Million**

Losses from the illegal software duplication are expected to surpass \$1 million, according to the statement from the U.S. Attorney's office.

"The pirating of business and entertainment software through clandestine computer bulletin boards is tremendously costly to software companies, and by extension to their employees and to the economy," said U.S. Attorney Donald K. Stern. "We need to respond to the culture that no one is hurt by these thefts and that there is nothing wrong with pirating software."

A list obtained by The Tech revealed that MS-DOS games dominated the server. Among the business software, however, were Aldus Pagemaker 5.0 for Windows, Microsoft Word for Windows 6.0, a beta (pre-release) copy of a forthcoming operating system by Microsoft code-named Chicago, WordPerfect 6.0 for both DOS and Windows, a beta copy of Microsoft 5.0, and Aldus PhotoStyler 2.0.

If found guilty LaMacchia could conceivably be the subject of a civil suit by the software vendors, Bruce said. "It would be entirely possible for a vendor to make a case that it suffered monetary damages," he said. "I would think there is some reason [LaMacchia] could be sued."

Bruce said he thought the Institute's liability would be limited because of Athena rules prohibiting duplication of copyrighted software.

LaMacchia did not return telephone calls last night.

### **Notes**

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