Local commission ordered to determine extent of software piracy

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Delhi High Court orders local commission, with police assistance if need be, in a suit for software infringement to determine extent of piracy of simulation software. SolidWorks simulation software, published by Dassault Systemes SolidWorks Corporation, is a computer-aided design software aimed at modelling and simulating three dimensional objects. Dassault approached the Delhi High Court having received information that the defendant was using large volumes of pirated versions of its software, causing a loss of over Rs.1 crore. The court accepted reports compiled by the built-in security mechanism in the software – colloquially referred to as 'phone home' technology – which logged instances of unlicensed versions of software having been deployed by the defendants. On the basis of information received by Dassault on the large scale of infringement and the report generated by the in-built security mechanism, the court granted an injunction against the defendants using unauthorised programmes. The court also appointed a local commissioner to inspect the defendant's computer storage media with the help of technical experts and representatives of Dassault and prepare reports to enumerate instances of unlicensed versions of Dassault's software. Police assistance and protection could also be availed for the local commission. Industrial simulation software entails enormous investment. Its extensive development, testing and quality standards are essential attributes for commercial use. It is these features that makes it so sought after by pirates To safeguard their investment, software makers build-in certain security mechanisms to detect if the software has been tampered with, is being used unlicensed or contrary to the licensing agreement. This is colloquially called 'phone home' technology, which verifies if the software is being used illegally and logs the information of infringement. *Dassault Systemes Solid Works Corporation & Anr v Anuj Prasad & Ors; before the Delhi High Court; order dated 12.10.2017*

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