“Phone-Home” Technology- The Delhi High Court directed a technical audit to be conducted to stop software piracy

News & Updates • March 5, 2018

Through the advent of “phone-home” technology, Dassault is able to place a tracking mechanism into its proprietary software to counter software infringement in India at a large scale. In a case where Dassault received information of piracy amounting to more than one crore rupees, the Delhi High Court restrained the Defendants from carrying out their infringing activity and directed a technical audit to be conducted. The audit was aimed at preserving the evidence of infringement already collected through the infringement hits received from the Defendants’ computers. In an effort to check and curb instances of piracy, the Delhi High Court appointed a Local Commissioner to visit the Defendants’ premises and take inventory of the number of computers that were installed with Dassault Systèmes’ SolidWorks software, a computer aided design software solution that simulates a virtual environment to design and model three dimensional objects. The software has the capacity to conceptualize and design every consumer product in the market today such as cars, airplanes and mobile phones. Dassault approached the Delhi High Court with a chronology of infringement hits of the Defendants’ infringing use, which provided logs of every time the infringing software was used on the Defendants’ computers. The court was *prima facie* satisfied that the Defendants had been blatantly using the infringing software for more than a year. The present case is an example of the advancement in collecting and proving evidence. While the traditional method of collecting evidence relies on estimates and figures of the volume of software piracy collected through pretext calling and pseudonymous visits at a suspected infringer’s premises, the first-hand information collected through the phone-home technology convinced the Court of its preciseness and high level of credibility. The order itself also paves the way for new jurisprudence on the acceptance of technical evidence as information of copyright infringement in software piracy cases by Indian Courts. *Dassault Systemes Solid Works Corporation & Anr vs Anuj Prasad & Ors*

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