

EXECUTIVE ORDER ##-##

TITLE IN ALL CAPS

EXECUTIVE ORDER 00-02

COMPUTER SOFTWARE PIRACY

WHEREAS, Washington is home to over 7,000 high-technology businesses, including software developers, software training groups, and software and hardware service organizations;

WHEREAS, these companies employ more than 76,000 people, pay more than \$3.7 billion in wages, generate more than \$10.3 billion in sales, and contribute \$726 million in combined state and federal taxes;

WHEREAS, the industry estimates that pirated software annually costs Washington's economy 3,700 jobs, \$205 million in wages, \$488 million in retail sales, and \$41 million in combined state and federal taxes; and

WHEREAS, as a major purchaser and user of computer software, Washington State government must ensure that its practices meet legal requirements;

NOW THEREFORE, I, Gary Locke, Governor of the state of Washington, declare my support for the software industry of Washington State and hereby order and direct the following actions:

Section 1. Policy. It shall be the policy of the state to work diligently to combat computer software piracy and follow the letter and spirit of state and federal law, including the Copyright Act, as well as international agreements in effect in the United States, including applicable provisions of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights and the Berne Convention for the Protection of Literary and Artistic Works.

- a. Each agency shall adopt procedures to prevent the unlawful acquisition, reproduction, distribution or transmission of computer software.
- b. Each agency shall establish procedures to ensure that its use of computer software complies with the law. These procedures may include:
 - i. preparing inventories of software present on the agency's computers;
 - ii. determining what computer software the agency has the authorization to use; and
 - iii. developing and maintaining adequate record-keeping systems.
- c. If an agency becomes aware that its contractors or financial assistance recipients are using state funds to acquire, operate or maintain computer software in violation of law, the agency shall take appropriate measures, including requiring the use of certifications or written assurances.
- d. Agencies shall cooperate fully with each other in implementing this order and shall share information with each other that may be useful in combating the unlawful use of computer software.

Section 2. Responsibilities of Agency Heads. In connection with the acquisition and use of computer software, the head of each agency shall:

- a. ensure that only authorized software is acquired for and used on the agency's computers;
- b. ensure that appropriate agency staff are educated regarding copyrights protecting software, as well as the policies and procedures adopted by the agency to honor those protections; and
- c. ensure that the policies, procedures and practices of the agency related to copyrights protecting software are adequate, and also fully implement the policies set forth in this order.

Section 3. Information Services Board. Within six months of the date of this order, agencies shall submit copies of their policies and procedures developed pursuant to this order to the Information Services Board.

Section 4. Law Enforcement Activities. Nothing in this order shall be construed to require the disclosure of law enforcement investigative sources or methods, or to prohibit or otherwise impair a lawful investigative or protective activity undertaken by or on behalf of the state.

Section 5. Judicial Review. This order is intended only to improve the internal management of the executive branch. It does not create any right or benefit, substantive or procedural, at law or in equity, that may be asserted against the state, its officers or employees, or any other person.

Section 6. This Executive Order shall take effect immediately.

IN WITNESS WHEREOF, I Additional
have hereunto set my hand
and caused the seal of the
State of Washington to be
Affixed at Olympia this 3rd
day of April A.D., Two
thousand.

GARY LOCKE
Governor of Washington

BY THE GOVERNOR:

Secretary of State