

SAP Ordered To Pay \$20 Million to Oracle for Criminal Copyright Infringement **By Keli Johnson**

SAP subsidiary TomorrowNow plead guilty to criminal copyright infringement of Oracle software in a plea agreement negotiated by federal prosecutors. As part of the deal, SAP was ordered to pay \$20 million in damages. Prosecutors did not seek additional restitution due to the currently pending civil copyright infringement case against SAP.

In the civil matter, the court awarded Oracle civil damages for software copyright infringement in the amount of \$1.3 billion. However, an appeals court later overturned the award, ruling it excessive. The judge offered Oracle \$272 million in damages, or alternatively, a new trial to determine an appropriate award. Oracle has indicated it may pursue a new trial to seek more than the reduced award of \$272 million.

Copyright infringement of software can carry both criminal and civil penalties, including monetary damages and, in some cases, a prison sentence. A civil court may award a plaintiff significant monetary remedies for proven copyright infringement, including either actual damages (with lost profits) or statutory damages up to \$150,000 per work infringed (if the infringement was willful).

Copyright infringement is a serious allegation with considerable consequences. If facing potential copyright infringement claims, it is important to seek the advice of experienced counsel



About the author Keli Johnson:

As an associate attorney at Scott & Scott, LLP, Keli is primarily focused on software licensing and copyright infringement matters. She advises clients in a variety of industries to ensure compliance with software licenses and develop strategies for maximizing the value of software licenses.

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