TechSmith Corporation

Since its incorporation in 1987, TechSmith Corporation ("TechSmith") has become the world #1 provider of screen capture and screen recording software for the office professional.

TechSmith products increases business productivity and enrich personal computing by helping users to communicate, teach, demonstrate, observe, and analyze complex ideas and subtle points visually, rather than through words alone.

SnagIt and Camtasia Studio enable users to capture images and activity from Windows or Mac platforms, including animation, graphics, text and video, and enhance the captured material with special effects, narration and a variety of multimedia features. With this functionality, SnagIt and Camtasia Studio are used extensively by business professionals to create materials and videos for use in corporate training, customer support, digital forensics and evidence collection, distance learning, documentation, software demonstrations, workforce collaboration, and the creation of content for business presentations and Internet broadcasts. In addition to unmatched feature sets and high-fidelity image quality, customers can learn the software quickly usually becoming proficient in less than a day -- and capture images with just a few mouse clicks.

In 2004, with the release of Morae, TechSmith democratized user experience testing by knocking down the time, cost, and complex proprietary hardware barriers with the release of their all-digital solution. Powered by TechSmith's patented Rich-Recording Technology (RRT), Morae synchronizes real-world actions, such as user speech and facial expressions, with detailed application and computer system data to present usability professionals with a unique view into the way that desktop software, Web sites, intranets and e-business applications are seen and experienced. By enabling Collaborative User Experience Testing (CUET), Morae brings together stakeholders, experts, and key decision makers allowing them to observe and interact from any location to reach consensus faster so their organization can bring better products to market sooner.

More than 7 million people in 37 countries use TechSmith software. Customers include Fortune 500 companies, educational institutions, and government agencies, as well as small business and home PC users.

Located in Okemos, Michigan, TechSmith is a privately held Michigan corporation rated 3A1 by Dun & Bradstreet. Our Duns Number is 60-672-4680. All-In-One Capture, Camtasia, Camtasia Relay, Camtasia Studio, Dubit, Ensharpen, Enterprise Wide, Expressshow, Jing, Morae, Rich Recording Technology (RRT), Sreencast.com, Show The World, SmartFocus, Snagit, TechSmith, TSCC, and UserVue are registered marks or marks of TechSmith in the U.S. and/or other countries. This list is not a comprehensive list of all TechSmith marks. The absence of a name/mark or logo in this notice does not constitute a waiver of intellectual property rights that TechSmith has established in any of its products, feature or service. names/marks or logos. Our website is located at www.techsmith.com

What is piracy?

Software piracy is the duplication, distribution or use of software without authorization from the copyright owner. This includes actions like:

- Duplicating or reselling the software in violation of the end-user license agreement associated with the software program;
- Offering Software in quantity and you are not an authorized reseller or otherwise licensed to reproduce or distribute the software;
- Offering software which was previously distributed in violation of an authorized, distributor, reseller, or OEM contract;.
- Downloading unlicensed copies of software from the internet;
- Making copies for (or loaning disks to) friends;
- Installing one licensed copy onto multiple computers (where the particular license terms prohibit such additional installs);
- Selling unlicensed or counterfeit copies online or elsewhere; and
- Using unlicensed or counterfeit copies.

And when it comes to the unauthorized distribution of software to others, it doesn't matter whether the unauthorized distribution of the software is done for profit or not. It is still illegal.

In general, TechSmith's licenses to its software are NON-TRANSFERABLE, meaning, you may not rent, license, assign, transfer or resell the software. The license terms are included with every authorized software program TechSmith distributes either directly or through its authorized resellers.

Why is software piracy an important issue?

According to the Business Software Alliance (BSA), nearly 40% of the world software and 23% of all U.S. business software is pirated. The BSA estimates that in 2002 approximately $8.7 billion dollars was lost in the U.S. from software theft and its related effects, including lost jobs, wages and tax revenues. Piracy is not just a concern for businesses, but rather affects the whole U.S. and international economies.

Other negative effects of piracy:
- It affects companies' abilities to invest in research and development of new products.
- It can expose end users to potential risks of identity theft and other privacy issues (as criminals who sell counterfeit software often obtain your name, address, and other information).
- It can result in destructive software being installed on your computer like viruses.
- It deprives consumers of basic protections usually offered by software licenses like money-back guarantees, installation support, maintenance releases, upgrade pricing, etc.
- It can result in unlicensed users taking up valuable technical support resources, thus making legitimate customers wait longer for critical support services.
What are the different types of piracy?

Organized Counterfeit Sales This is the illegal duplication and sale of copyrighted material without the authorization of the copyright owner. This type of activity can result in both civil and criminal penalties. There are many channels where counterfeit software is sold including online marketplaces (auction sites) and stores, flea markets, swap meets and computer conferences. Please see the section below titled what you should watch out for when buying or selling TechSmith software on eBay for additional information on how to help protect yourself from selling or buying counterfeit software.

End User Piracy

This occurs when a person or company (including employees) reproduces or shares copies of software without authorization or adequate licensing. This can take the following forms:
- The product has a single-user license but is installed on more than one computer.
- The product is a restricted-use version of software and is used or sold in violation of the license terms or without proper qualifications (e.g. Academic, Not-For-Resale, OEM bundled or Trial versions).
- The product is downloaded from a peer-to-peer (P2P) network in violation of Federal law and license agreements.

Hard-Disk Loading

This is the unauthorized installation of software onto new or used computers by another person or company without the authorization of the copyright owner, typically to make the purchase of the computer, or of technical services related to the computer, a better deal.

What are the penalties for software piracy?

The civil and/or criminal penalties for software piracy can include:
- Actual damages experienced by the copyright owner, including the profits from any illegal sales;
- Federal damages of as much as $150,000 dollars per work infringed upon.
- Criminal prosecution, including fines up to $250,000 and/or 5 years of prison time.

What should you watch out for when buying or selling TechSmith software on eBay?

Sellers:

If you are selling TechSmith software, it is your responsibility to ensure that the software is genuine and is being distributed in accordance with distribution requirements, the software End User License Agreement (EULA) and applicable laws. Please note, in general, TechSmith's licenses to its software are NON-TRANSFERABLE. You may review TechSmith's standard Licenses at www.techsmith.com.

Buyers:

Please remember that software is not owned by a user or distributor, but rather the publisher licenses the software through an EULA. The EULA contains the terms and conditions by which a person or company is allowed to use that software. Please note, in general, TechSmith's licenses to its software are NON-TRANSFERABLE. You may review TechSmith's standard licenses at www.techsmith.com.

If you are considering buying a copy of TechSmith software from eBay or other online marketplaces or stores, please consider the following issues:
1. TechSmith Licenses Are Non-transferable. TechSmith's software programs are subject to licenses and, in general, such licenses are NON-TRANSFERABLE. Any attempted resale would therefore be in violation of the applicable license and is prohibited. See also item 3 below.
2. Previously Registered Software -- If the product is being advertised as "used" or previously registered, its license is generally not transferable. Any attempted resale would therefore be prohibited. If you have questions about a particular auction or a copy of TechSmith software you received from an online seller, please contact TechSmith via email at sales@techsmith.com.

3. Restricted-Use Software -- Restricted-use versions of TechSmith software (e.g. Academic, Not-for-resale, OEM bundled or trial versions) may only be acquired by qualified users and generally cannot be resold. If you see such a version for sale on an auction site you should be aware that such sales may violate the EULA and may not be permitted by law.
4. Multi-License Packs -- Some TechSmith software products are available in 5- or 10-license packs or other configurations. As set out in the license terms, such packages cannot be broken up and sold separately.
5. D-ROM Only Sales Without Packaging -- TechSmith software is always packaged in official TechSmith-manufactured and branded DVD-style cases or paperboard sleeves. It is never packaged for resale in plain-white sleeves or plastic jewel cases. If you see software without legitimate TechSmith-branded packaging, this can often be an indication that the software is not genuine or properly licensed.
6. CD-ROM Appearance -- TechSmith software CD-ROMs are always manufactured using a printing process where the ink is screened directly onto the surface of the CD-ROM. TechSmith software never has paper or plastic CD labels affixed to the surface of the CD. Additionally, TechSmith software is always manufactured on CD-ROM media, not so-called CD-R media recordable disc medium that is typically used to"burn copies of music and movies and which often has serial numbering printed on the plastic inner ring of the CD.
7. Too Good to be True Pricing-- While some offers by third parties may seem like a great deal you may not be getting what you expect, namely genuine TechSmith software or it is TechSmith software that is being resold in violation of the license agreement or contract associated with the software. If you fall victim to purchasing counterfeit or unauthorized software, you may not receive all the benefits of validly licensed software including access to technical support offerings, product updates, and the ability to utilize connected services. Additionally, you will need to purchase a legitimate license(s) in order to continue using the software lawfully and, as stated above, you may expose yourself and/or your company to identity theft and other risks. It is like the old adage if it looks too good to be true, it usually is.

Conclusion

There is a considerable amount of counterfeit and unauthorized software offered for sale on the Internet. Consumers who purchase this software often have no right to use the software, receive benefits or services or redistribute the software they receive. TechSmith is committed to educating consumers about software piracy and how to safeguard themselves against this illegal activity, in addition to regularly monitoring auctions and online sales for infringing activity.