

### **Copyright Infringement Based on Sharing of Single User Database Subscription**

**March 1, 2007**

Therapeutic Research Faculty ("TRF") offers subscriptions to its online medical database. Annual subscriptions are either for a single user for under \$100 or a "site license" for multiple users at a cost of several thousand dollars. TRF filed a lawsuit against NBTY, Inc. in federal court in California. TRF alleged that NBTY had obtained a single user subscription, then improperly shared TRF's database with several users within NBTY's organization over a two and a half year period. Upon discovering what NBTY was doing, TRF required NBTY to obtain a site license. Thereafter, NBTY not only used the database within its own organization but shared it with another company. TRF claimed that NBTY's practice of sharing the database within its organization exceeded the scope of NBTY's single user subscription license. TRF also claimed that NBTY's sharing of the database outside of its organization violated the terms of the site license. Both of these actions were alleged to have infringed TRF's copyright in the database. NBTY filed a motion to dismiss TRF's claims. The court denied NBTY's motion, finding that TRF could proceed with its damages claims against NBTY for both copyright infringement and contributory or vicarious copyright infringement. For businesses who utilize online subscription services, the key is awareness -- what services are being used? What is the scope of rights the business has in accessing those services? Is your organization's use of the services within that scope? A single user subscription is just that -- made available to single user. Sharing subscription information with others, inside or outside of your organization, may violate the provider's copyright. Site licenses should be obtained if it is necessary for multiple users to access the subscription information. Even with a site license, a business must be careful and take steps to ensure that the information is not being improperly shared outside of the organization. Companies may be held liable for the actions of their employees in violating such use rights. To review a copy of the court's decision: [Click here](#).