

Shareware and Freeware

Many users become understandably confused between shareware, freeware and public domain software. These are all ways of marketing software, and have nothing to do with the actual type of software being distributed.

Shareware is "copyrighted software which is distributed for the purposes of testing and review, subject to the condition that payment to the copyright owner is required after a person who has secured a copy decides to use the software." This definition is contained in Copyright Rules & Regulations, 37 CFR 201.26. (Shareware is also sometimes referred to as try-before-you-buy or evaluation software.)

Freeware is software that is distributed in a way that allows individuals and non-profit organizations to use the software at no charge. The software usually comes with a license agreement that prohibits the software from being sold, rented, or otherwise distributed in a for-profit manner.

Public domain software is "software which has been publicly distributed with an explicit disclaimer of copyright protection by the copyright owner." 37 CFR 201.26.

Lastly there is another category, often referred to as crippleware that is a hybrid between shareware and freeware. Crippleware allows a person to use the software for free. If the individual likes the software, he/she can then pay to receive a code that activates some "crippled" features, like the ability to print or to use advanced functions.

Both shareware and freeware are often accompanied by a license agreement that sets forth the terms and conditions of use of that product. Though shareware is commercial software, many shareware authors use electronic distribution as part of their distribution system. Loading shareware onto or downloading shareware from the Internet does not constitute piracy. However, shareware may be considered pirated if it is not registered and paid for before the expiration of the application's specified trial period.

While there is no money exchanged to obtain a copy of freeware and it can usually be downloaded without liability, freeware can still be considered to be pirated if it is used in a manner that violates an accompanying agreement. For example, if the freeware license contains a restriction on selling the freeware and someone includes the freeware on a compilation CD of freeware programs and sells the program, the freeware has been pirated because the license has been violated.

Unlike shareware or freeware, there are no copyright restrictions on a piece of public domain software. Therefore, public domain software usually is not subject to a license agreement and the user of public domain software is generally free to use the software as they desire, with no restriction.